

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, corner of Broadway and Union Road, in said Town on the 2nd day of July, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Theodore DeFedericis, Chief of Police; Chester L. Bryan, Town Engineer; Alfred Wnek, Highway Superintendent; Ron Zoeller, Foreman-Sanitation Dept.; Ron Marten, Building & Plumbing Inspector; Richard Slisz, Erie County Legislator; Julia Reinstein, Town Historian; Dr. Louis Vendetti, Town Health Officer.

I. BIDS

Item No. 2 Scajaquada Creek Structure Replacement.
Bids referred to Chester L. Bryan, Town Engineer.

II. PUBLIC HEARING

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendment being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

B. No parking anytime:

CRANDON BOULEVARD north side: from the east curb line of BISCAYNE DRIVE to the west curb line of LOU ANN DRIVE

Section 102 is amended by adding thereto the following:

B. No parking anytime:

CRANDON BOULEVARD north side: from the east curb line of BISCAYNE DRIVE to the west property line of 256 CRANDON BOULEVARD

CRANDON BOULEVARD north side: from the east property line of 100 CRANDON BOULEVARD to the west property line of 166 CRANDON BOULEVARD

Item No. 3 Cont'd.

GREENLEAF LANE	north side:	from the east curb line of RIDGE PARK AVENUE to a point 350 feet therefrom
WEST SOBIESKI STREET	north side:	from the east curb line of DICK ROAD to the west curb line of BUELL STREET

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

III. RESOLUTIONS

Item No. 4 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that a Public Hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 16th day of July, 1979 at 7:00 p.m., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in THE EXAMINER, on the 5th day of July, 1979; said amendment being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 16th day of July, 1979 at 7:00 P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE XIII

Truck Exclusions

Section 130. Trucks over five tons excluded.

Trucks in excess of five (5) tons are hereby excluded from the following highways within the Town of Cheektowaga, Erie County, State of New York:

- BAY LANE - from CRANDON BOULEVARD to SURFSIDE PARKWAY
- MOORMAN DRIVE - from STANISLAUS AVENUE to BAY LANE

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: July 2, 1979

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES:	Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES:	0
ABSENT:	0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA**

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 5 day of July, 1979 and ending on the day of , 19

Signed James Charters
Sworn to before me, on the 5
day of July, 1979
Patricia H. Youngs
Notary Public

PATRICIA H. YOUNGS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 16th day of July, 1979 at 7:00 P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE XII

Truck Exclusions

Section 130. Trucks over five tons excluded.

Trucks in excess of five (5) tons are hereby excluded from the following highways within the Town of Cheektowaga, Erie County, State of New York:

BAY LANE - from GRANSON
BOULEVARD to SURFSIDE PARK-
WAY.

WOODMAN DRIVE from STAN-
SLAUD AVENUE to BAY LANE.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK.

Dated: July 2, 1979
RICHARD M. MOLESKI
Town Clerk

Item No. 5 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, the Code Review Committee of the Town of Cheektowaga has recommended that the "Zoning Ordinance of the Town of Cheektowaga, New York" be amended by the inclusion therein of regulations pertaining to Solid Waste Transfer Station.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of Section 264 of the Town Law of the State of New York, a public hearing be held on the 16th day of July, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Zoning Ordinance of the Town of Cheektowaga, New York" shall be amended and changed as provided in the attached Notice of Hearing; and

BE IT FURTHER RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than 10 days prior to the date of said hearing.

NOTICE OF HEARING

ON PROPOSAL TO AMEND ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 2nd day of July, 1979, and in accordance with the provisions of Section 264 of the Town Law of the State of New York, a Public Hearing will be held on the 16th day of July, 1979 at 7:00 o'clock P.M., at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Zoning Ordinance of the Town of Cheektowaga, New York" shall be amended and changed as follows:

RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS Section 4-11 A. 9., which relates to the principal permitted uses in a M2-General Manufacturing District "after receiving a Special Permit from the Town Board", shall be amended by the enactment of a new subdivision (e) thereunder, as follows:

(e) Solid waste transfer station, as those terms are defined in the Environmental Conservation Law of the State of New York and in the rules and regulations adopted and promulgated by the State Department of Environmental Conservation, provided satisfactory proof is presented to the Town Board of compliance with any and all requirements of Article 27 of the Environmental Conservation Law of the State of New York relating to the collection, treatment and disposal of refuse and solid waste.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: July 2, 1979

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

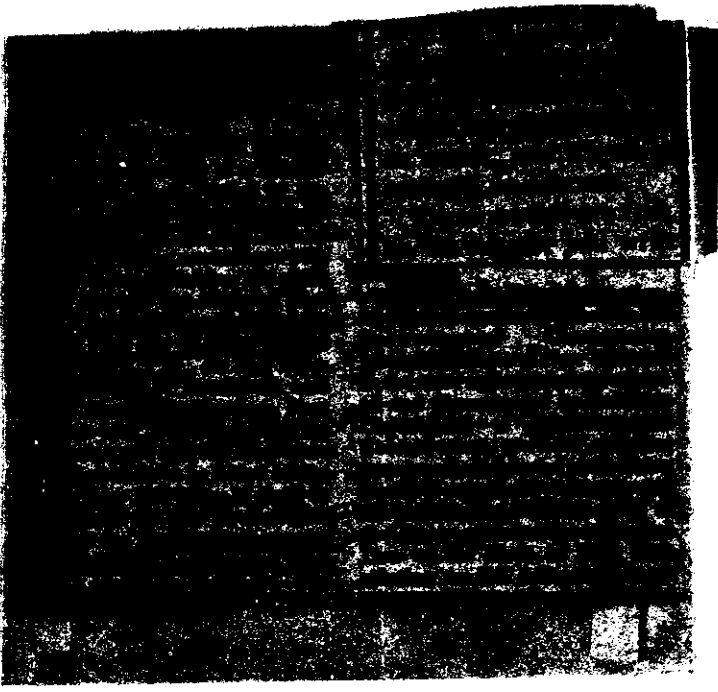
Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



George J. Measer

being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga, News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 5th day of July,
19 79, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 5th day

of July, 19 79

Eleanor Measer

Eleanor Measer

Notary Public in and for Erie County

ELEANOR MEASER
Notary Public in and for New York
County of Erie
My Commission Expires March 30, 1981

PROOF OF PUBLICATION



Publishers Of:

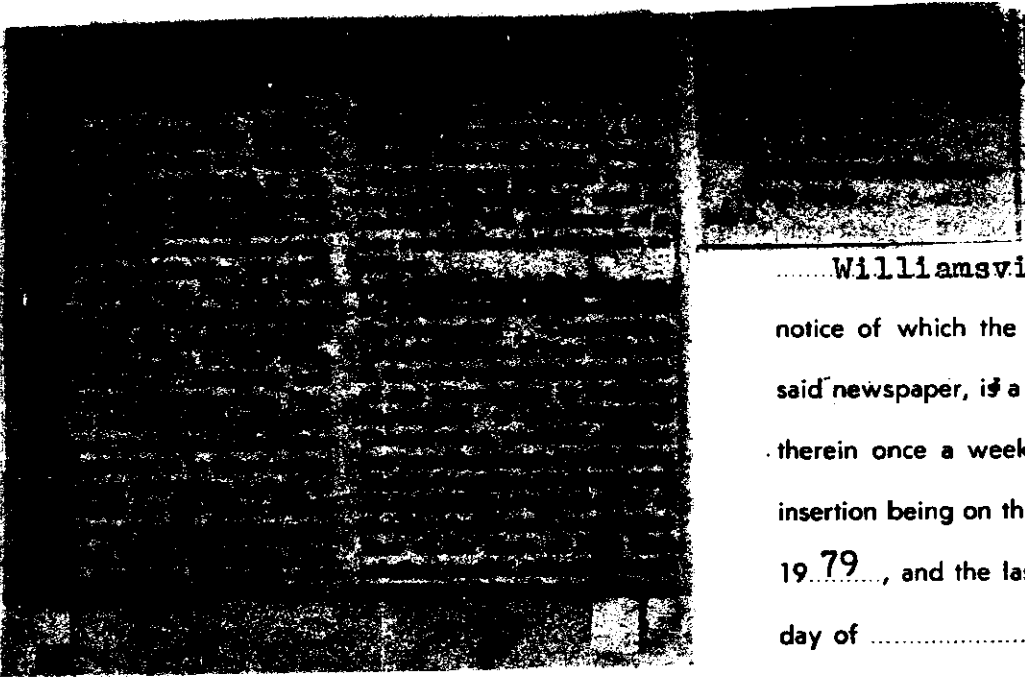
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STATE OF NEW YORK
COUNTY OF ERIE

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George J. Measer



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19 79, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 5th day

of July, 19 79

Eleanor Measer Eleanor Measer

Notary Public in and for Erie County

ELEANOR MEASER
Notary Public in and for Erie County
My Commission Expires March 30, 1981

Item No. 6 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at 43 Rosedale Drive, in the Town of Cheektowaga, New York and according to the Assessor's Office records is owned by Richard Barnwell, Clifton Park, New York 12065, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, now, therefore, BE IT

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 7 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York has been amended in part to read as follows:

(Subdivision 3 + No exemption shall be granted:)

(a) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than eight thousand dollars as may be provided by the local law, ordinance or resolution adopted pursuant to this section. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income,

and

WHEREAS, said act became effective on the first day of June, 1977, and shall apply to assessment rolls prepared on the basis of taxable status occurring on and after January 1, 1979, and

WHEREAS, the Town has presently provided said tax exemptions for persons whose annual income does not exceed the sum of \$7,200.00, and

WHEREAS, real property tax relief for elderly home owners is of great concern to officials at local levels of government, and

WHEREAS, said bill provides the authority for municipalities to ease further the burden of the older residents, therefore, BE IT

RESOLVED that a public hearing be held for the purpose of granting said exemptions for the persons entitled thereto and whose annual income does not exceed the sum of \$8,000.00 as provided by the aforesaid sections of the Real Property Tax Law, and BE IT FURTHER

RESOLVED that said public hearing take place on July 16, 1979 at 7:00 p.m. Eastern Daylight Saving Time in the Council Chambers of the Town Hall, Cheektowaga, New York and that a proper notice of said hearing be published in THE EXAMINER for the purpose of holding said hearing.

Item No. 7 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposeth and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 5 day of July, 1979 and ending on the day of , 19
etc

Signed James Charters

Sworn to before me, on the 5

day of July, 1979

Patricia H. Youngs
Notary Public

PATRICIA H. YOUNGS

Notary Public, State of New York

Qualified in Erie County

My Commission Expires March 30, 1981

**EXTRACTS FROM MINUTES OF
CHEEKTOWAGA 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 Roads, in said Town on the 2nd day of July, 1979 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Supervisor Meyers
Seconded by Councilman George Kaczmarek

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York has been amended in part to read as follows:

(Subdivision 3 - No exemption shall be granted:)

(a) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than eight thousand dollars as may be provided by the local law, ordinance or resolution adopted pursuant to this section. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset in the same

income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income, and

WHEREAS, said act became effective on the first day of June, 1977, and shall apply to assessment rolls prepared on the basis of taxable status occurring on and after January 1, 1979, and

WHEREAS, the Town has presently provided said tax exemptions for persons whose annual income does not exceed the sum of \$7,200.00, and

WHEREAS, real property tax relief for elderly home owners is of great concern to officials at local levels of government, and

WHEREAS, said bill provides the authority for municipalities to ease further the burden of the older residents, therefore, **BE IT**

RESOLVED that a public hearing be held for the purpose of granting said exemptions for the persons entitled thereto and whose annual income does not exceed the sum of \$8,000.00 as provided by the aforesaid sections of the Real Property Tax Law, and **BE IT FURTHER**

RESOLVED that said public hearing take place on July 16, 1979 at 7:00 p.m. Eastern Daylight Saving Time in the Council Chamber of the Town Hall, Cheektowaga, New York and that a proper notice of said hearing be published in **THE EXAMINER** for the purpose of holding said hearing.

Upon roll call.....

Supervisor Meyers
Councilman Swiatek
Councilman Johnson
Councilman Dux
Councilman Kaczmarek
Councilman Burst
Councilman Wegner

Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on July 2, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 2nd day of July, 1979.

RICHARD M. MOLESKI
Town Clerk

**EXTRACTS FROM MINUTES OF
CHEEKTOWAGA 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 Broomway and Union Roads, in said Town on the 2nd day of July, 1979 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Supervisor Meyers
Seconded by Councilman George Kaczmarek

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York has been amended in part to read as follows:

(Subdivision 3 - No exemption shall be granted:)

(a) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of three thousand dollars, or such other sum not less than three thousand dollars nor more than eight thousand dollars as may be provided by the local law, ordinance or resolution adopted pursuant to this section. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset in the same

income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income, and

WHEREAS, said act became effective on the first day of June, 1977, and shall apply to assessment rolls prepared on the basis of taxable status occurring on and after January 1, 1979, and

WHEREAS, the Town has presently provided said tax exemptions for persons whose annual income does not exceed the sum of \$7,200.00, and

WHEREAS, real property tax relief for elderly home owners is of great concern to officials at local levels of government, and

WHEREAS, said bill provides the authority for municipalities to ease further the burden of the older residents, therefore, BE IT

RESOLVED that a public hearing be held for the purpose of granting said exemptions for the persons entitled thereto and whose annual income does not exceed the sum of \$8,000.00 as provided by the aforesaid sections of the Real Property Tax Law, and BE IT FURTHER

RESOLVED that said public hearing take place on July 16, 1979 at 7:00 p.m. Eastern Daylight Saving Time in the Council Chamber of the Town Hall, Cheektowaga, New York and that a proper notice of said hearing be published in THE EXAMINER for the purpose of holding said hearing.

Upon roll call.....

Supervisor Meyers
Councilman Swiatek
Councilman Johnson
Councilman Dux
Councilman Kaczmarek
Councilman Burst
Councilman Wegner

Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE
Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on July 2, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 2nd day of July, 1979.

RICHARD M. MOLESKI
Town Clerk

Item No. 8 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, the Town of Cheektowaga is in need of services of a Planning Consultant, AND

WHEREAS, our present consultant, Russell Tryon, is no longer readily available for consultations, NOW, THEREFORE, BE IT

RESOLVED that the appointment of Russell Tryon as Planning Consultant is hereby terminated, effective immediately, and BE IT FURTHER

RESOLVED that the Town hereby retains the services of Stuart Alexanders & Associates as Planning Consultant to the Town of Cheektowaga to and including December 31, 1979 at an annual retainer not to exceed \$3,600.00, effective July 1, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga has received a Community Development Block Grant award in the amount of \$200,000 from the County of Erie for the purpose of commercial revitalization on Walden Avenue, and

WHEREAS, this grant award includes provisions for the award of facade improvement grants to owners of commercial property on Walden Avenue within the Town of Cheektowaga, NOW THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign an agreement with the owner listed below for the disbursement of funds under the Walden Avenue Facade Grant Program, in a sum not to exceed \$1,500 in each instance:

Robert M. & Esther Biniszkiewicz

and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to John Mowatt, Director of Erie County Community Development, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the City of Buffalo has recently enacted an increase in their "Utility Tax", and

WHEREAS, the Town has made inquiries to affected utilities as to the procedure for their passing on the cost of this tax, and

WHEREAS, the cost of such tax to a utility has been ultimately passed on to all service area customers in the past, and

WHEREAS, such a practice benefits one municipality partially at the expense of those utility customers outside of the geographic boundaries of the benefited municipality, NOW, THEREFORE, BE IT

RESOLVED that all utility companies affected by this City of Buffalo "Utility Tax" increase and whose service area includes portions of the Town of

Item No. 10 Cont'd.

Cheektowaga be memorialized to petition the New York State Public Service Commission for a rate tariff structure which passes on the cost of such tax increase only to the City of Buffalo utility customers and furthermore, that the New York State Public Service Commission react favorably to such request to correct any potential injustice and inequities to the non-City utility customers, and BE IT FURTHER

RESOLVED that copies of this resolution be provided to the New York State Public Service Commission, Niagara Mohawk Power Corporation, National Fuel Gas, and the New York Telephone Company.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 11 Engineering - Town of Cheektowaga representation on the Board of the Buffalo Sewer Authority.
Item Withdrawn.

Motion made by Councilman Wegner, seconded by Councilman Swiatek to Waive the Rules and act on Item No. 29.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 29 Memorialize Governor Carey to sign legislation re: Town of Cheektowaga representation on the Board of the Buffalo Sewer Authority.

Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the New York State Legislature enacted legislation establishing suburban representation on the Board of Managers of the Buffalo Sewer Authority, AND

WHEREAS, this Town Board, since its June 1, 1976 Agreement with the Buffalo Sewer Authority for treatment of Town Sanitary Sewer District No. 5 wastewaters, has petitioned the New York State Legislature for legislation to add suburban representatives to the Board of the Buffalo Sewer Authority, AND

WHEREAS, this legislation, as adopted, gives the Town of Cheektowaga a voice in the selection of the suburban representatives so as to protect the interests of all Town and Village sewer district taxpayers, NOW, THEREFORE, BE IT

RESOLVED that this Town Board be and hereby memorializes Governor Hugh Carey to sign the subject legislation (SA #8210) as written and awaiting his signature.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the U.S. Army Corps of Engineers Scajaquada Creek Flood Control Project in the Town of Cheektowaga requires various temporary and permanent easements throughout the full length of the creek to accomplish said flood

Item No. 12 Cont'd.

control project, AND

WHEREAS, the nineteen (19) permanent easement parcels and forty-eight (48) temporary easement parcels are shown and legally described on individual maps prepared by the New York State Department of Environmental Conservation and on file in the Engineering Department, AND

WHEREAS, the New York State Department of Environmental Conservation is requesting said easements from the Town in return for one dollar (\$1.00) (payment waived), NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts these conditions of the agreement for permanent and temporary easements, and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, execute the necessary agreement of adjustment with the New York State Department of Environmental Conservation.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the purchase of traffic control signs, posts and brackets for the Town of Cheektowaga, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, said Town Engineer has submitted the same, which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the bid be awarded to the following bidders submitting the lowest responsible bid meeting the requirements of the specifications in the categories noted:

- | | |
|---|--|
| 1.) Finished Signs - All Categories | Eastern Metals of Elmira, Inc.
1430 Sullivan Street
Elmira, New York 14901 |
| 2.) Posts - 10' Long, Square | Unistrut Buffalo, Inc.
128 Sycamore Street
Buffalo, New York 14204 |
| 3.) Posts - 10' Long, "U" Posts & Galvanized Pipe | Chemung Supply Corp.
P.O. Box 527
Elmira, New York 14902 |
| 4.) Street Sign Brackets | Chemung Supply Corp.
P.O. Box 527
Elmira, New York 14902 |

*See next two (2) pages for tabulation.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-686-8888
686-3448

June 28, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Bid for Traffic Control Signs

Gentlemen:

At a regular Town Board Meeting of June 18, 1979, bids were received and opened for the purchase of traffic control signs for the Town of Cheektowaga for the period of July 1, 1979 thru June 31, 1980. Specifications noted different categories such as square, rectangle, octagon or triangle, in sizes, as type and size determines the cost.

Five (5) bidders submitted bids in six (6) categories and thirty-nine (39) items. Prices for each size and type are not listed as it would make this report too lengthy. It is, therefore, recommended that bids be awarded to the following bidders submitting the lowest responsible bid meeting the requirements of the specifications in the categories noted.

1) Finished Signs - All Sizes and Shapes

Eastern Metal of Elmira, Inc.
1430 Sullivan Street
Elmira, New York 14901

2) Posts - 10' Long, Square

Unistrut Buffalo, Inc.
128 Sycamore Street
Buffalo, New York 14204

3) Posts - 10' Long, "U" Posts & Galvanized Pipe

Chemung Supply Corp.
P.O. Box 527
Elmira, New York 14902

Supervisor and Honorable Town Board Members

June 28, 1979

4) Street Sign Brackets

Chemung Supply Corp.
P.O. Box 527
Elmira, New York 14902

Two (2) bidders who were low in their categories were beyond the two hundred (200) mile radius clause that was inserted in this year's specifications to insure better service to the Town and correct last year's deficiencies. After consultation with our Town Attorney he advised that we could award to the second lowest bidder that did comply with all the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

By 

Steven T. Marcynski,
Senior Engineer Assistant

STM:mjh

Item No. 13 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 14 Engineering Department - Acceptance of Woodside Lane.
Item Withdrawn.

Item No. 15 Motion by Councilman Kaczmarek, seconded by Councilman Dux

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of Diesel Fuel Oil, Motor Oils, Miscellaneous Oils, Lubricants, Fluids and Anti-Freeze for use in the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways, 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED that the Town Board will meet at 1:00 p.m. on July 23, 1979 for the purpose of properly opening and reading the sealed bids.

N O T I C E T O B I D D E R S

THE TOWN OF CHEEKTOWAGA hereby requires sealed bids for the purchase of Diesel Fuel Oil, Motor Oil, Compressor Oil, Gear Oil, Penetrating Oils, Hydraulic Oil, Kerosene Oil, Lubricants, Fluids, Anti-Freeze, etc. for the use by the Town of Cheektowaga Highway Department.

Specifications and information are available at the Town of Cheektowaga Highway Office located at 3145 Union Road, S. Cheektowaga, New York.

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of opening on July 23rd, 1979 at 1:00 P.M. Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also marked "SEALED BID FOR DIESEL & VARIOUS OILS, ETC. FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT".

The Town of Cheektowaga reserves the right to reject any or all bids if it be in the public interest of the Town of Cheektowaga to do so. Non-collusion forms must be signed and submitted with bids.

SIGNED _____

RICHARD M. MOLESKI
TOWN CLERK

DATED: June 20, 1979
PUBLISHED: July 5, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



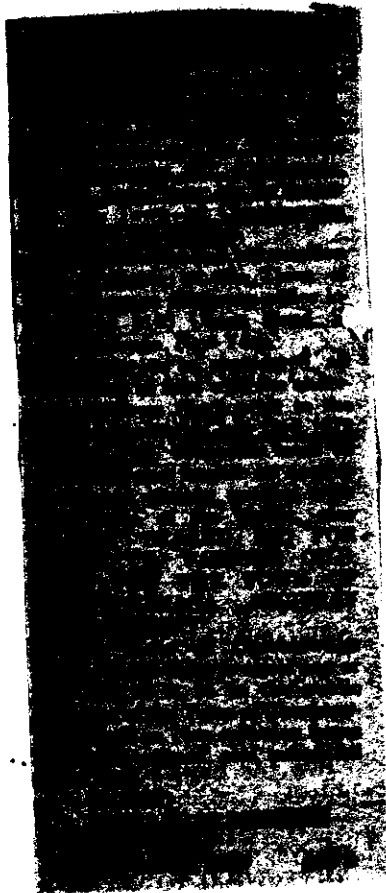
Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



George J. Measer
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga, News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 5th day of July,
19 79, and the last insertion being on the same
day of _____, 19_____.

Subscribed and sworn to before me this 5th day

of July, 19 79

Eleanor Measer

Notary Public in and for Erie County

ELEANOR MEASER
Notary Public, State of New York

My Commission Expires March 30, 1981

Item No. 16 Motion by Councilman Wegner, seconded by Councilman Dux

WHEREAS, National Pride Equipment, Inc. (Dave Hill, Representative) has made application and requested a special permit on property located on the northwest corner of Union Road at William Street, for the purpose of operating a self-service car wash; said owner of property mentioned being Exxon Corporation, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance (Article VI, "Supplemental Regulations" 6-01) on the 16th day of July, 1979 at 6:30 o'clock P.M., Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 5 day of July, 1979 and ending on the day of , 19

ER

Signed *James Charters*
Sworn to before me, on the 5
day of July, 1979
Patricia H. Youngs
Notary Public

PATRICIA H. YOUNGS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 16th day of July 1979, at 6:30 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of National Pride Equipment & Exxon Corporation for a Special Permit to establish a self-service car wash on property located at Northwest corner of Union Road at William St. pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD
Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner
~~RICHARD G. BULLOCK~~
Town Clerk

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the necessary PO-17 forms have been submitted to the Erie County Department of Personnel for the creation of a "Clerk of Justice Court" position in the Town Justice Department, and

WHEREAS, the Erie County Department of Personnel has approved the creation of said position, NOW, THEREFORE, BE IT

RESOLVED that the position of "Clerk of Justice Court" in the Town Justice Department be and hereby is created.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, the position of "Clerk of Justice Court" has previously been created, NOW, THEREFORE, BE IT

RESOLVED that Thomas Kolbert, presently employed under the title of Clerk to Town Justice, be and hereby is appointed to the position of Clerk of Justice Court, at an annual salary of \$15,500; said appointment effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, a vacancy exists for the position of "Clerk to Town Justice" in the Town Justice Department, NOW, THEREFORE, BE IT

RESOLVED that Robert Kapron, of _____, be and hereby is appointed to the vacant position of "Clerk to Town Justice", at an annual salary of \$11,604, said appointment to be considered temporary, pending the New York State Civil Service Commission's jurisdictional classification of the newly created "Clerk of Justice Court" position; said appointment effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Burst, seconded by Councilman Wegner

WHEREAS, the position of full-time "Dog Warden" has previously been created, and

WHEREAS, said position has been posted for a period of ten working days, according to the bargaining agreement between the Town of Cheektowaga and Local 1026, AFL-CIO, NOW, THEREFORE, BE IT

RESOLVED that John Slisz, currently an employee in the Sewage Treatment Plant, being the most senior man to openly bid on this newly created position, be and hereby is appointed to the position of full-time "Dog Warden", at a salary in accordance with the above stated bargaining agreement, said appointment effective Monday, July 9, 1979.

Item No. 20 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Kaczmarek, seconded by Councilman Swiatek

RESOLVED that the following individuals are hereby hired as seasonal employees in the following Departments at the rates listed:

Sewage Treatment Plant No. 3 - \$2.90 per hour

Kurt Pilarski

Sewage Treatment Plant No. 5 - \$2.90 per hour

Colleen Dunn

Transfer from Park Attendant to Sewage Treatment Plant No. 5 - \$2.90/hour

Mary Ann Tenny

Transfer from Sewage Treatment Plant No. 3 to Supervisor's Office - \$3.00 per hour

Ronald Kaczmarek

Recreation Department - Tennis Instructor - \$1,200 (10 weeks)

Mike Meyer

Recreation Department - Park Attendants - \$2.90 per hour

Helen Domske
Lucille Needham

Youth Bureau - Hometown Beautification Program - \$2.90 per hour

Josette Castro
Donald Havernick
Kevin Skoczylas

Youth Conservation Corps Program - \$2.90 per hour

Annette M. Brewer

Youth Conservation Corps Program - Crew Supervisor - \$4.00 per hour

Heather Lynn McLean

Sanitation Department - Laborer - \$2.90 per hour

Mark Bessing

Facilities Department - Laborers--\$2.90 per hour

William O'Rourke
David Andrzejewski

Central Garage - Laborer - \$2.90 per hour

Art Brudek

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, Walter Mika, Grade II Operator, employed at Sewage Treatment Plant No. 5, has received orders to report for military training on July 19 through August 4, 1979, AND

WHEREAS, all employees eligible for benefits under Section 242 and 243 of the Military Law of the State of New York shall be guaranteed such benefits in full accordance with the law, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board approves said Military Service Leave for Walter Mika, , Cheektowaga, New York 14225, for the period July 19 through August 4, 1979, at Fort Dix, New Jersey.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA prior to July 2nd, 1979 be and the same are hereby approved and the Supervisor is ordered to pay same.

<u>FUND</u>	<u>CHECK NO.</u>		<u>AMOUNT</u>
	<u>FROM</u>	<u>TO</u>	
GENERAL FUND	11909-10912, 10914-11040		\$ 342,989.75
SPECIAL DISTRICT FUND	6060-6124		950,093.70
HIGHWAY FUND	4593-4630		56,898.99
PART TOWN FUND	7-15		5,492.53
TRUST AND AGENCY FUND	668-671		25,342.33
CAPITAL FUND	218-224		369,344.64
SPECIAL ASSESSMENTS FUND	16		1,435.91
FEDERAL REVENUE SHARING FUND	145-157		1,763.30
H.U.D.-N.P.P. FUND	109		<u>1,000.00</u>
			<u>\$1,754,361.15</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

IV. GENERAL COMMUNICATIONS

Item No. 24 Notice of Claim - Christine M. & Richard Bogaczyk vs. County of Erie and Town of Cheektowaga.

Item referred to John V. Rogowski-Town Attorney, Supervisor Kenneth J. Meyers, Alfred Wnek-Highway Superintendent, Town Insurance Company; received and filed.

Item No. 25 New York State Department of Audit & Control - Permission and Order to extend Cleveland Hill Fire District No. 6.

Item No. 25 Cont'd.

Item referred to Honorable Members of the Town Board and John V. Rogowski, Town Attorney; received and filed.

Motion made by Councilman Dux, seconded by Councilman Burst to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

V. SUSPENSION OF RULES

Item No. 26 Order extending Cleveland Hill Fire District No. 6.

Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the Town Board, having deemed it advisable that Cleveland Hill Fire District No. 6 of the Town of Cheektowaga be extended to include the territory situated in such Town and hereinafter described, and a public hearing, following due notice, having been held on April 2, 1979 at the Town Hall at the corner of Broadway and Union Road in said Town, by the Town Board of said Town, to hear all persons interested in the matter of the extension of said Fire District, and this Town Board having by resolution duly adopted on April 23, 1979, following the said public hearing and upon the evidence given thereat, duly determined that it was in the public interest to extend the existing Cleveland Hill Fire District No. 6 of said Town to include the territory hereinafter described, that all of the property, property owners and interested persons within the proposed extension of said Fire District are benefited thereby, and that all of the property and property owners benefited are included within the proposed extension of said Fire District, and duly resolved to extend such Fire District to embrace the additional territory hereinafter described, subject, however, to the approval of the State Comptroller, and the Town Clerk of the Town having duly filed a certified copy of such resolution, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application in due form and duly executed, in duplicate for permission to extend such District, and the State Comptroller having made an order, in duplicate, under date of June 25, 1979, granting permission for the extension of the District, one copy of such order having heretofore been filed in the office of the State Department of Audit and Control at Albany, New York, and the other copy thereof filed in the office of the Town Clerk of this Town, and the Town Clerk having duly presented such order to this Town Board; now, therefore

BE IT RESOLVED AND ORDERED that the said existing Fire District known as Cleveland Hill Fire District No. 6 be and it hereby is extended to embrace the territory described in and containing the following boundaries, to wit:

*See next two (2) pages for description of territory.

EXTENSION TO
CLEVELAND HILL FIRE DISTRICT NO. 6

On the south side of Maryvale Drive, at the point where the same is intersected by the east side of Harlem Road in the Town of Cheektowaga, County of Erie and State of New York, and running thence easterly a distance of 1073 feet; thence southerly 275 feet; thence westerly 1073 feet; thence northerly on the east side of Harlem 265.90 feet to the place of beginning.

All that certain piece or parcel of land situate lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of lot Twenty-six (26), Township Eleven (11) Range Seven (7) of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the south line of Maryvale Road distant three thousand nine hundred forty-one and nineteen hundredths (3941.19) feet easterly measured along said south line from its point of intersection with the east line of Harlem Road (said point of beginning also being the intersection of the south line of Maryvale Road with the west line of lands now owned by the Niagara Lockport and Ontario Power Company); thence southerly, with the south line of Maryvale Road on a course south $0-18'-13''$ east and along the west line of lands of the aforesaid Niagara Lockport and Ontario Power Company Two Thousand Three Hundred Ninety-eight and eighty-nine hundredths (2398.89') feet to a point, (said point being at the northeast corner of a Subdivision shown on a Map filed in the Erie County Clerk's Office under Cover No. 1266);

Thence westerly with the last mentioned boundary line, on a course south $89-37'$ west, and along the north line of Glenwood Place, as shown on the aforesaid Subdivision Map, Seven Hundred Fifty-two and twenty-seven hundredths (752.27') feet to a point;

Thence northerly, with the last mentioned boundary line, on a course north $0-02'-47''$ west, Five Hundred Fifty-eight and Sixty hundredths (558.60') feet to a point at the northeast corner of land now owned by the Diocese of Buffalo Holy Sepulchre Cemetery;

Thence westerly, with the last mentioned boundary line, on a

course south 89-44-03 west, and along the north line of lands now owned by the Diocese of Buffalo Holy Sepulchre Cemetery, Two Thousand Two Hundred Twelve and eighty-two hundredths (2212.82') feet to a point at the southeast corner of lands now owned by the Buffalo Drive In Theatres, Inc.;

Thence northerly parallel with the east line of Harlem Road, with the latest mentioned boundary line, on a course north 0-21-17 east and along the east line of lands aforementioned Buffalo Drive In Theatres, Inc., Eight Hundred Seventy-six and forty-eight hundredths (876.48') feet to a point at the northeast corner thereof;

Thence westerly, with the last mentioned boundary line, on a course south 89-44-03 west and along the north line of the Buffalo Drive In Theatres, Inc., One Thousand and No Hundredths (1000.00') feet to a point in the east line of Harlem Road at the northwest corner of lands of the Buffalo Drive In Theatres, Inc.;

Thence northerly, with the last mentioned boundary line, on a course north 0-21-17 east, and along the east line of Harlem Road, Seven Hundred Fifty-two and fifty-four hundredths (752.54') feet to a point at the southwest corner of lands now owned by Edwin O. Luippold, (said point being also Two Hundred Thirty-one and twenty-one hundredths (231.21') feet southerly from the point of intersection of the south line of Maryvale Road and the east line of Harlem Road),

Thence easterly with the east line of Harlem Road One Thousand Forty and no Hundredths (1040.00') feet, on a course south 89-30-53 east, to a point at the southeast corner of lands of the aforesaid Edwin O. Luippold,

Thence northerly, with the last mentioned boundary line, on a course north 0-22-07 east, and along the east line of lands now owned by Edwin O. Luippold Two Hundred Forty and no hundredths (240.00') feet to a point in the south line of Maryvale Road at the northeast corner of lands now owned by Edwin O. Luippold (said point being One Thousand Forty and no hundredths (1040.00') feet easterly from the intersection of the south line of Maryvale Road and the east line of Harlem Road);

Thence easterly with the last mentioned boundary line and along the south line of Maryvale Road, on a course north 90-00 east, Two Thousand Nine Hundred One and nineteen hundredths (2901.19') feet to a point of beginning.

Item No. 26 Cont'd.

AND BE IT FURTHER ORDERED that the Town Clerk shall cause a certified copy of this resolution and order to be duly recorded in the office of the Clerk of the County of Erie, New York, and shall likewise cause a certified copy thereof to be duly filed in the office of the State Department of Audit and Control at Albany, New York within ten days of the adoption of such resolution and order by the Town Board, pursuant to Section 173(4) of the Town Law of the State of New York.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

*See next page for certification.

STATE OF NEW YORK }
COUNTY OF ERIE }

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO
HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of
Cheektowaga, a town located in the County of Erie, State of New York, was duly held
on July 2 1979, and minutes of said meeting have been
duly recorded in the Minute Book by me in accordance with law for the purpose of
recording the minutes of meetings of said Board, and such minutes appear at item
No. 26, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said
extract is a true copy of said minutes and of the whole thereof insofar as said minutes
relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place
where such meeting was held and the members of said Board who attended said
meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed
the corporate seal of said Town, this 2nd day of July,
1979.

Richard M. Moleski
Town Clerk

Item No. 27 Order extending the Water (Hydrant) District of Cleveland Hill Fire District No. 6.

Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers duly licensed by the State of New York, have, at the instance of the Town Board, prepared a map, plan and report providing for the extension of a Water (Hydrant) District of the Town of Cheektowaga known as "Water (Hydrant) District of Cleveland Hill Fire District No. 6", and said map, plan and report has been filed in the office of the Town Clerk, in accordance with Article 12-A of the Town Law, and

WHEREAS, said map, plan and report was duly filed in the office of the Town Clerk for public inspection on March 19, 1979, and has remained on file in said office, and

WHEREAS, the boundaries of said proposed extension of Water (Hydrant) District of Cleveland Hill Fire District No. 6, as set forth in said map, plan and report, are as follows:

*See next two (2) pages for description of territory.

EXTENSION TO

CLEVELAND HILL FIRE DISTRICT NO. 6
WATER (HYDRANT) DISTRICT

On the south side of Maryvale Drive, at the point where the same is intersected by the east side of Harlem Road in the Town of Cheektowaga, County of Erie and State of New York, and running thence easterly a distance of 1073 feet; thence southerly 275 feet; thence westerly 1073 feet; thence northerly on the east side of Harlem 265.90 feet to the place of beginning.

All that certain piece or parcel of land situate lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of lot Twenty-six (26), Township Eleven (11) Range Seven (7) of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the south line of Maryvale Road distant three thousand nine hundred forty-one and nineteen hundredths (3941.19) feet easterly measured along said south line from its point of intersection with the east line of Harlem Road (said point of beginning also being the intersection of the south line of Maryvale Road with the west line of lands now owned by the Niagara Lockport and Ontario Power Company); thence southerly, with the south line of Maryvale Road on a course south $0-18'-13''$ east and along the west line of lands of the aforesaid Niagara Lockport and Ontario Power Company Two Thousand Three Hundred Ninety-eight and eighty-nine hundredths (2398.89') feet to a point, (said point being at the north-east corner of a Subdivision shown on a Map filed in the Erie County Clerk's Office under Cover No. 1266);

Thence westerly with the last mentioned boundary line, on a course south $89-37'$ west, and along the north line of Glenwood Place, as shown on the aforesaid Subdivision Map, Seven Hundred Fifty-two and twenty-seven hundredths (752.27') feet to a point;

Thence northerly, with the last mentioned boundary line, on a course north $0-02'-47''$ west, Five Hundred Fifty-eight and Sixty hundredths (558.60') feet to a point at the northeast corner of land now owned by the Diocese of Buffalo Holy Sepulchre Cemetery;

Thence westerly, with the last mentioned boundary line, on a

course south 89-44-03 west, and along the north line of lands now owned by the Diocese of Buffalo Holy Sepulchre Cemetery, Two Thousand Two Hundred Twelve and eighty-two hundredths (2212.82') feet to a point at the southeast corner of lands now owned by the Buffalo Drive In Theatres, Inc.;

Thence northerly parallel with the east line of Harlem Road, with the latest mentioned boundary line, on a course north 0-21-17 east and along the east line of lands aforementioned Buffalo Drive In Theatres, Inc., Eight Hundred Seventy-six and forty-eight hundredths (876.48') feet to a point at the northeast corner thereof;

Thence westerly, with the last mentioned boundary line, on a course south 89-44-03 west and along the north line of the Buffalo Drive In Theatres, Inc., One Thousand and No Hundredths (1000.00') feet to a point in the east line of Harlem Road at the northwest corner of lands of the Buffalo Drive In Theatres, Inc.;

Thence northerly, with the last mentioned boundary line, on a course north 0-21-17 east, and along the east line of Harlem Road, Seven Hundred Fifty-two and fifty-four hundredths (752.54') feet to a point at the southwest corner of lands now owned by Edwin O. Luippold, (said point being also Two Hundred Thirty-one and twenty-one hundredths (231.21') feet southerly from the point of intersection of the south line of Maryvale Road and the east line of Harlem Road),

Thence easterly with the east line of Harlem Road One Thousand Forty and no Hundredths (1040.00') feet, on a course south 89-30-53 east, to a point at the southeast corner of lands of the aforesaid Edwin O. Luippold,

Thence northerly, with the last mentioned boundary line, on a course north 0-22-07 east, and along the east line of lands now owned by Edwin O. Luippold Two Hundred Forty and no hundredths (240.00') feet to a point in the south line of Maryvale Road at the northeast corner of lands now owned by Edwin O. Luippold (said point being One Thousand Forty and no hundredths (1040.00') feet easterly from the intersection of the south line of Maryvale Road and the east line of Harlem Road);

Thence easterly with the last mentioned boundary line and along the south line of Maryvale Road, on a course north 90-00 east, Two Thousand Nine Hundred One and nineteen hundredths (2901.19') feet to a point of beginning.

Item No. 27 Cont'd.

and

WHEREAS, the purpose of the extension of the district is to afford a supply of water for use by the fire district whose boundaries are being extended contemporaneously to be co-terminus with the boundaries of the extended water district in fighting fires by means of the existing hydrants and any additional hydrants which may be required in the future. The water is supplied by the Erie County Water Authority as are the hydrants and the present charge for each hydrant, including installation and maintenance thereof and the water supplied is the sum of One hundred twenty-six and 00/00 (\$126.00) Dollars per year, paid on a monthly basis. The hydrants are installed by the Erie County Water Authority as ordered by the Town Board acting as Commissioners of the Water District, and

WHEREAS, there is no expenditure of money required to finance the cost of the extension and accordingly no issuance of bonds, notes, certificates or other evidences of indebtedness will be required, and

WHEREAS, the Town Board, on March 19, 1979 duly adopted an order providing that the Town Board shall meet at the Town Hall, corner of Broadway and Union Road in said Town, on the 2nd day of April, 1979, at 7:00 o'clock P.M., Eastern Standard Time, and hold a public hearing on the extension of said district, at which all persons interested in the subject thereof might be heard concerning the same, and the Town Board did meet at such time and place and held such hearing and heard all persons interested in the subject thereof and the evidence offered at such public hearing required that the Town Board determine that (1) the notice of said hearing held on April 2, 1979 was published and posted as required by law and is otherwise sufficient, and (2) all of the property and property owners within the proposed extension of Water (Hydrant) District as the boundaries of the same are hereinabove set forth, are benefited by the extension of said district and (3) all of the property and property owners benefited thereby are included within the limits of the proposed extension of Water (Hydrant) District as the boundaries of the same are hereinbefore set forth, and (4) the extension of said Water (Hydrant) District is in the public interest; and

WHEREAS, notice of the adoption of said resolution was duly published and posted as required by law and no petition requesting a referendum thereon has been filed with the Town Clerk and a certificate to that effect has been filed by the Town Clerk in the office of the County Clerk of Erie County, and

WHEREAS, the Town Board desires to extend said district in accordance with Section 209-f of the Town Law, now, therefore,

BE IT ORDERED by the Town Board of the Town of Cheektowaga, in the County of Erie, that said district be and it hereby is extended with the boundaries hereinbefore described, and BE IT FURTHER

ORDERED that the Town Clerk be and he hereby is directed to record a certified copy of this order in the office of the Clerk of the County of Erie, and to file a certified copy of this order in the office of the Comptroller of the State of New York within ten days of the adoption of such resolution and order by the Town Board.

Upon Roll Call....

AYES:	Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES:	0
ABSENT:	0

*See next page for certification.

STATE OF NEW YORK }
COUNTY OF ERIE }

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO
HEREBY CERTIFY as follows:

1. Aregular..... meeting of the Town Board of the Town of
Cheektowaga, a town located in the County of Erie, State of New York, was duly held
on July 2 19⁷⁹., and minutes of said meeting have been
duly recorded in the Minute Book by me in accordance with law for the purpose of
recording the minutes of meetings of said Board, and such minutes appear at item
.....No. 27....., inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said
extract is a true copy of said minutes and of the whole thereof insofar as said minutes
relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place
where such meeting was held and the members of said Board who attended said
meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed
the corporate seal of said Town, this..... 2nd day of July
19.....79:

Richard M. Moleski
.....
Town Clerk

Item No. 28 Call for public hearing for a variance to the Noise Ordinance (Ord. #17, as amended) for property located at Cayuga and Phillips Road.

Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the Buffalo Trap and Field Club, Inc. has made application and requested a variance from the Noise Ordinance for property located at Cayuga and Phillips Roads, in the Town of Cheektowaga, New York, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Noise Ordinance (Ordinance No. 17, as amended) on July 16, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road; said variance shall apply to August 4, 1979.

L E G A L N O T I C E

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga corner of Broadway and Union Road, on the 16th day of July, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of the Buffalo Trap & Field Club for a variance to the Anti-Noise Ordinance (Town Ordinance No. 17) of the Town of Cheektowaga, New York on premises located at Cayuga and Phillips Road.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

DATED: July 2, 1979

RICHARD M. MOLESKI
TOWN CLERK

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



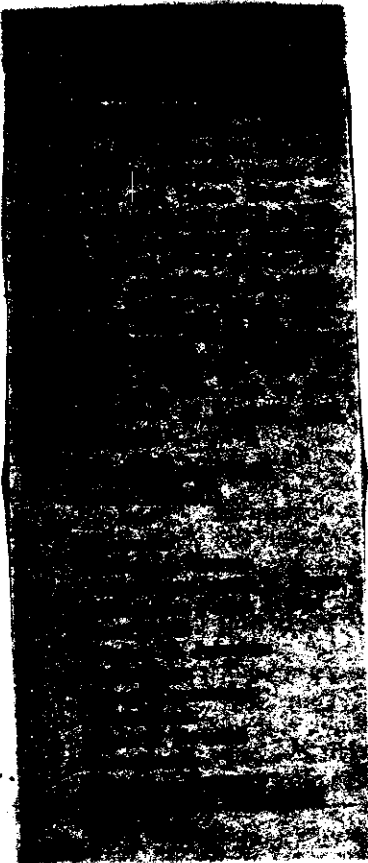
Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



George J. Measer
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 5th day of July,
19 79, and the last insertion being on the same
day of , 19 .

Subscribed and sworn to before me this 5th day

of July, 19 79

Eleanor Measer *Eleanor Measer*

Notary Public in and for Erie County

ELEANOR MEASER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

*Item No. 29 Memorialize Governor Hugh Carey to sign legislation re: Town of Cheektowaga representation on the Board of the Buffalo Sewer Authority.

*See Item No. 11 - Vote taken to waive the rules and act on Item No. 29 immediately following this item.

Item No. 30 Preliminary acceptance of Losson Green Subdivision plat for the purpose of satisfying Erie County request and commitment to build and relocate Losson Road.

Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the developers and owners of Losson Green Subdivision have presented a detailed map of their proposed subdivision to the Town, and Erie County Highway and Transportation Departments, and

WHEREAS, said subdivision map, which is attached hereto and made a part hereof, includes a relocation of Losson Road and indicates the various intersections affecting, crossing and meeting said Losson Road, and

WHEREAS, said subdivision map portrays a complete plat of the future, proposed subdivision, and the County of Erie Highway Department is agreeable to building the road in the manner and location as indicated on said map at County expense, and

WHEREAS, said developers and owners of the proposed Losson Green Subdivision have presented various proposed maps at previous times, and have made changes thereto as requested by the Planning Commission of the Town, and the County Highway Department, and have presented the final plat as attached hereto to said Town Planning Commission, Erie County Highway Department, Town Highway Superintendent, Town Engineer and the Town Traffic Safety Commission, and

WHEREAS, said aforementioned departments and commissions have indicated their satisfaction and preliminary approval and recommendation for potential and eventual acceptance of said plat, and

WHEREAS, the developers and owners of said Losson Green Subdivision have expended considerable sums of money to prepare the engineering, drawing and layout of prior proposed plats, and the present plat attached hereto, and requested that they obtain a fair, good faith and tentative assurance of acceptance of said map by the Town to avoid further expense in this category and to satisfy the request of the County, and

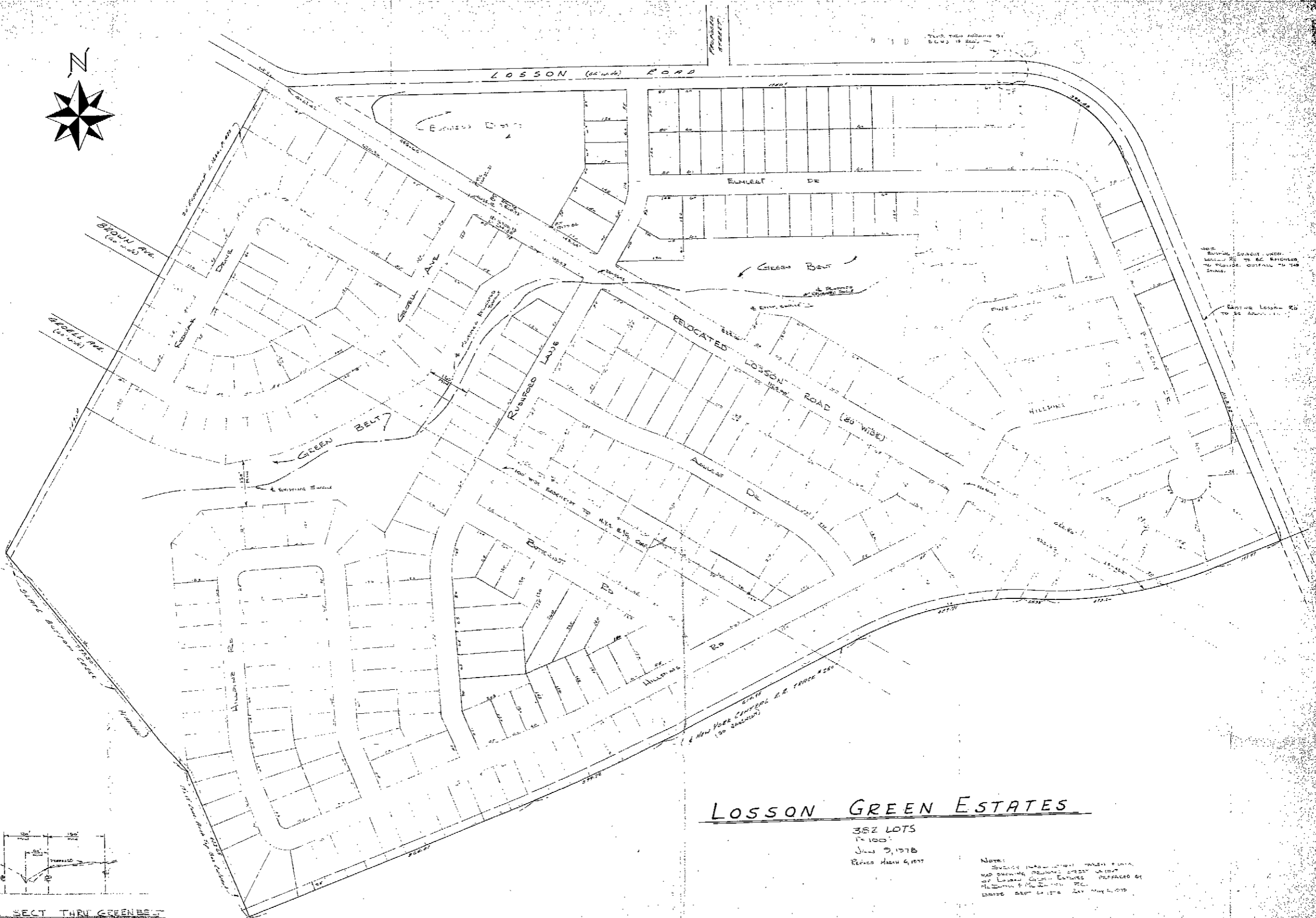
WHEREAS, the County Highway and Transportation Departments are withholding their commitments to build said Losson Road as relocated on said plat pending an intent on behalf of the Town to give its preliminary, but not final, approval as to acceptance of said plat,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby expresses its intent for an affirmative, preliminary approval of said plat, as presently laid out and attached hereto, and BE IT FURTHER

RESOLVED, that final acceptance and approval of said map is subject to the completion of all necessary proceedings by the developers and owners of said subdivision to obtain the usual recommendations and approvals of the Health Department of Erie County, Town Highway Superintendent, and meeting all other requirements required by law for acceptance of a subdivision and highways therein, and BE IT FURTHER

RESOLVED that the adoption of this resolution shall not be construed to permit other developers and owners to pre-emptorily request and obtain preliminary approval of proposed streets and subdivisions, or set a precedent for such procedure; and that the main purpose of this resolution is to allow the County to move forward with its plans to confirm its commitment for the planning, relocation and building of Losson Road within the bounds of said proposed subdivision.

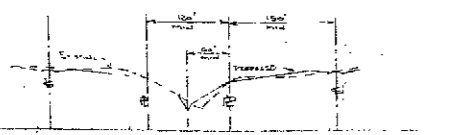
*See next page for copy of plat.



LOSSON GREEN ESTATES

352 LOTS
 1" = 100'
 JAN 9, 1978
 REVISION MAR 6, 1977

Notes:
 1. SEE PLAT FOR DETAILED NOTES
 2. ALL DIMENSIONS SHOWN ARE TO CENTER OF LOT OR ROAD UNLESS OTHERWISE NOTED
 3. ALL DIMENSIONS SHOWN ARE TO CENTER OF LOT OR ROAD UNLESS OTHERWISE NOTED
 4. ALL DIMENSIONS SHOWN ARE TO CENTER OF LOT OR ROAD UNLESS OTHERWISE NOTED



TYPICAL SECT THRU GREENBELT
 DITCH RELOCATION SHOWN
 MAX. SLOPE: 3 HORIZ. TO 1 VERT.

LOSSON GREEN ESTATES	
SCALE: 1" = 100'	DATE: 2-15-77
PRELIMINARY PLAT	
77-5215	

Item No. 30 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 31 Motion by Councilman Kaczmarek, seconded by Councilman Dux to
adjourn the meeting.

RICHARD M. MOLESKI
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, corner of Broadway and Union Road, in said Town on the 16th day of July, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk, John V. Rogowski, Town Attorney; Julia Reinstein, Town Historian; Alfred Wnek, Highway Superintendent; Dr. Louis Vendetti, Town Health Officer; Asst. Chief of Police John Gruber; Ronald Marten, Building and Plumbing Inspector; Chester Bryan, Town Engineer; Ken Kopacz, Executive Director of the Youth Bureau.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of a variance to the Anti-Noise Ordinance (Ordinance No. 17, as amended) by the Buffalo Trap & Field Club, for property located at Cayuga and Phillips Roads in the Town of Cheektowaga for August 4, 1979. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 3 This being the time and place advertised for a public hearing on the proposed amendment to Section 467 of the Real Property Tax Law of the State of New York with regard to granting of exemptions for persons entitled thereto and whose annual income does not exceed the sum of \$8,000.00 as provided by the aforesaid sections of the Real Property Tax Law. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. The hearing was held and closed; For decision, see Item No. 12.

Item No. 4 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendments being as follows:

Item No. 4 cont'd

ARTICLE XIII

Truck Exclusions

Section 130 Trucks over five tons excluded.

Trucks in excess of five (5) tons are hereby excluded from the following highways within the Town of Cheektowaga, Erie County, State of New York:

BAY LANE - from CRANDON BOULEVARD to SURFSIDE PARKWAY

MOORMAN LANE - from STANISLAUS AVENUE to BAY LANE

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. The Supervisor declared the hearing closed; decision was reserved.

Item No. 5 This was the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Zoning Ordinance of the Town of Cheektowaga, New York. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendments being as follows:

RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS Section 4-11 A.9., which relates to the principal permitted uses in a M2-General Manufacturing District "after receiving a Special Permit from the Town Board," shall be amended by the enactment of a new subdivision (3) thereunder, as follows:

(e) Solid waste station, as those terms are defined in the Environmental Conservation Law of the State of New York and in the rules and regulations adopted and promulgated by the State Department of Environmental Conservation, provided satisfactory proof is presented to the Town Board of compliance with any and all requirements of Article 27 of the Environmental Conservation Law of the State of New York relating to the collection, treatment and disposal of refuse and solid waste.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. The Supervisor declared the hearing closed; decision was reserved.

Item No. 6 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Zoning Ordinance of the Town of Cheektowaga, New York. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed. Said proposed amendments being as follows:

1. (a) RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 1-50, which defines various signs, shall be amended by the enactment of a new subsection 1-55 thereunder to read as follows:

1-55 Portable Signs - Shall include all movable signs, banners or similar advertisements of a temporary nature, not included as conforming accessory uses, and particularly signs mounted on trailer-like wheels or skids. (See 90 day permit procedure - Section 6-033).

Item No. 6 cont'd

(b) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL USE REGULATIONS, Section 6-03, which relates to Accessory "Business" Signs in C or M Districts, shall be amended by the enactment of a new subsection 6-033 thereunder to read as follows:

6-033 - Portable Signs - Portable (non-flashing) temporary sign(s), banner(s) or similar advertisement(s) for non-profit, charitable or religious events may be allowed upon receipt of a non-renewable permit issued by the Town Building Inspector's Office for a period not to exceed ninety (90) days. Such temporary use shall conform to all other regulations of this Ordinance, including setback from public street.

(c) RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 9-122(a), which relates to the issuance of Special Permits by such Board, shall be amended by the inclusion therein, after the words "Temporary structures or uses", the phrase (NOT INCLUDING SIGNS)-"

2. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 4-11 A. 9.(c), which relates to the principal permitted uses in a General Manufacturing District, and which reads:

"c Automobile laundries or automatic car wash subject to Sections 6-01 and 6-05."

shall be deleted as a principal permitted use in M2-General Manufacturing District, and added as a new principal permitted use under Subdivision 11. in the CM-General Commercial District, as follows:

"(h) Automobile laundries or automatic car wash subject to Section 6-01 and 6-05."

3. (a) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL REGULATIONS, subsection 6-05 A, which relates to Surfacing of automotive use areas, and which presently reads:

"A. Surfacing - Every automotive use area and access driveway thereto shall be surfaced with a durable and dustless material and shall be so graded and drained so as to dispose of surface water accumulation as approved by the Town Engineer."

shall be amended by deleting the words "a durable and dustless material", and by substituting therefore the words "Bituminous Macadam or Concrete."

(b) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL REGULATIONS, subsection 6-05 C, which relates to Screening of automotive use areas, and which presently reads:

"C. Screening - Every automotive use area, except off-street parking areas for less than five (5) vehicles, shall be screened from any adjoining lot in any R District, including lots situated across the street as follows:

1.

2. Along a rear lot or an interior side lot line which abuts an existing or future rear yard on such adjoining lots, by a compact evergreen hedge which will reach a height of 5 feet within three years, or by a solid fence or an unpierced masonry wall 5 feet in height."

shall be amended by deleting the words "by a compact evergreen hedge which will reach a height of 5 feet within three years or."

4. RESOLVED THAT ARTICLE XI - DEFINITIONS, Section 11-10 definition of "Family" shall be repealed; and that a new definition of "Family" be enacted to read as follows:

Item No. 6 cont'd

"Family. One or more persons related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single housekeeping unit; provided, however, that temporary gratuitous guests or roomers, not in excess of the number allowed as an accessory use by this Ordinance, may be permitted."

* * * * *

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. The Supervisor declared the hearing closed; decision was reserved.

II. RESOLUTIONS

Item No. 7 | Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers duly licensed by the State of New York, have, at the instance of the Town Board, prepared a map and description providing for the dissolution of Tiorunda Fire Protection District No. 2 of the Town of Cheektowaga, and said map and description has been filed in the office of the Town Clerk, and

WHEREAS, said map and description was duly filed in the office of the Town Clerk for public inspection on March 19, 1979, and has remained on file in said office, and

WHEREAS, the boundaries of said Tiorunda Fire Protection District No. 2 as set forth in said map and description, are as follows:

* See next two (2) pages for description.

On the south side of Maryvale Drive, at the point where the same is intersected by the east side of Harlem Road in the Town of Cheektowaga, County of Erie and State of New York, and running thence easterly a distance of 1073 feet; thence southerly 275 feet; thence westerly 1073 feet; thence northerly on the east side of Harlem 265.90 feet to the place of beginning.

All that certain piece or parcel of land situate lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of lot Twenty-six (26), Township Eleven (11) Range Seven (7) of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at a point in the south line of Maryvale Road distant three thousand nine hundred forty-one and nineteen hundredths (3941.19) feet easterly measured along said south line from its point of intersection with the east line of Harlem Road (said point of beginning also being the intersection of the south line of Maryvale Road with the west line of lands now owned by the Niagara Lockport and Ontario Power Company); thence southerly, with the south line of Maryvale Road on a course south $0-18'-13''$ east and along the west line of lands of the aforesaid Niagara Lockport and Ontario Power Company Two Thousand Three Hundred Ninety-eight and eighty-nine hundredths (2398.89') feet to a point, (said point being at the northeast corner of a Subdivision shown on a Map filed in the Erie County Clerk's Office under Cover No. 1266);

Thence westerly with the last mentioned boundary line, on a course south $89-37'$ west, and along the north line of Glenwood Place, as shown on the aforesaid Subdivision Map, Seven Hundred Fifty-two and twenty-seven hundredths (752.27') feet to a point;

Thence northerly, with the last mentioned boundary line, on a course north $0-02'-47''$ west, Five Hundred Fifty-eight and Sixty hundredths (558.60') feet to a point at the northeast corner of land now owned by the Diocese of Buffalo Holy Sepulchre Cemetery;

Thence westerly, with the last mentioned boundary line, on a

course south 89-44-03 west, and along the north line of lands now owned by the Diocese of Buffalo Holy Sepulchre Cemetary, Two Thousand Two Hundred Twelve and eighty-two hundredths (2212.82') feet to a point at the southeast corner of lands now owned by the Buffalo Drive In Theatres, Inc.;

Thence northerly parallel with the east line of Harlem Road, with the latest mentioned boundary line, on a course north 0-21-17 east and along the east line of lands aforementioned Buffalo Drive In Theatres, Inc., Eight Hundred Seventy-six and forty-eight hundredths (876.48') feet to a point at the northeast corner thereof;

Thence westerly, with the last mentioned boundary line, on a course south 89-44-03 west and along the north line of the Buffalo Drive In Theatres, Inc., One Thousand and No Hundredths (1000.00') feet to a point in the east line of Harlem Road at the northwest corner of lands of the Buffalo Drive In Theatres, Inc.;

Thence northerly, with the last mentioned boundary line, on a course north 0-21-17 east, and along the east line of Harlem Road, Seven Hundred Fifty-two and fifty-four hundredths (752.54') feet to a point at the southwest corner of lands now owned by Edwin O. Luippold, (said point being also Two Hundred Thirty-one and twenty-one hundredths (231.21') feet southerly from the point of intersection of the south line of Maryvale Road and the east line of Harlem Road),

Thence easterly with the east line of Harlem Road One Thousand Forty and no hundredths (1040.00') feet, on a course south 89-30-53 east, to a point at the southeast corner of lands of the aforesaid Edwin O. Luippold,

Thence northerly, with the last mentioned boundary line, on a course north 0-22-07 east, and along the east line of lands now owned by Edwin O. Luippold Two Hundred Forty and no hundredths (240.00') feet to a point in the south line of Maryvale Road at the northeast corner of lands now owned by Edwin O. Luippold (said point being One Thousand Forty and no hundredths (1040.00') feet easterly from the intersection of the south line of Maryvale Road and the east line of Harlem Road);

Thence easterly with the last mentioned boundary line and along the south line of Maryvale Road, on a course north 90-00 east, Two Thousand Nine Hundred One and nineteen hundredths (2901.19') feet to a point of beginning.

Item No. 7 cont'd

and

WHEREAS, the Town Board, on March 19, 1979 duly adopted an order providing that the Town Board shall meet at the Town Hall, corner of Broadway and Union Road in said Town, on the 2nd day of April, 1979 at 7:00 o'clock P.M., Eastern Standard Time, and hold a public hearing on the dissolution of said fire protection district, at which all persons interested in the subject thereof might be heard concerning the same, and the Town Board did meet at such time and place and held such hearing and heard all persons interested in the subject thereof and the evidence offered at such public hearing required that the Town Board determine that (1) that notice of said hearing held on April 2, 1979 was published and posted as required by law and is otherwise sufficient, and (2) all of the property and property owners within the fire protection district as the boundaries of the same are hereinbefore set forth, are benefited by the dissolution of said fire protection district and (3) all of the property and property owners benefited thereby are included within the limits of the fire protection district as the boundaries of the same are hereinbefore set forth, and (4) the dissolution of said fire protection district is in the public interest; and

WHEREAS, the Town Board, on April 23, 1979 adopted a resolution dissolving said fire protection district; said resolution being subject to a permissive referendum, and

WHEREAS, notice of the adoption of said resolution was duly published and posted as required by law and no petition requesting a referendum thereon has been filed with the Town Clerk and a certificate to that effect has been filed by the Town Clerk in the office of the County Clerk of Erie County, and

WHEREAS, the Town Board desires to dissolve said district in accordance with Section 173 (1) of the Town Law, NOW, THEREFORE, BE IT

ORDERED by the Town Board of the Town of Cheektowaga, in the County of Erie, that said district be and it is hereby dissolved as set forth in the boundaries hereinbefore described, and BE IT FURTHER

ORDERED that the Town Clerk be and he hereby is directed to record a certified copy of this order in the office of the Clerk of the County of Erie, and to file a certified copy of this order in the office of the Comptroller of the State of New York, Department of Audit and Control, within ten days of the adoption of such resolution and order by the Town Board.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, a Town Board resolution was adopted on April 23, 1979 approving the extension of the Water Supply District of Cleveland Hill Fire District No. 6 of the Town of Cheektowaga to supply water to the proposed extension of Cleveland Hill Fire Protection District No. 6, which resolution was filed in the Erie County Clerk's Office on the 30th day of April, 1979 and with the New York State Department of Audit and Control on May 1, 1979, and

WHEREAS, the Town Board adopted a final resolution and order on July 2, 1979 extending said Water Supply District of Cleveland Hill Fire District No. 6, which order was filed in the Erie County Clerk's Office on July 5, 1979 and filed with the New York State Department of Audit and Control on July 5, 1979, and

WHEREAS, the Department of Audit and Control has advised us that they have accepted the resolution of April 23, 1979 as the final order for the extension of the Water Supply District and have requested the Town to rescind the final resolution and order of July 2, 1979 because it is not necessary, NOW, THEREFORE, BE IT

Item No. 8 cont'd

RESOLVED that in accordance with the requirements of the Department of Audit and Control, said final resolution and order adopted by the Town Board on July 2, 1979, concerning the Water Supply District, be and hereby is rescinded, and BE IT FURTHER

RESOLVED a certified copy of this resolution be forwarded to the New York State Department of Audit and Control to the attention of Mr. Adam Ciesinski, Alfred E. Smith State Office Building, Albany, New York 12236, and BE IT FURTHER

RESOLVED that a copy of this resolution be filed in the Erie County Clerk's Office.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Wegner, seconded by Councilman Dux

WHEREAS, this Town Board duly held a public hearing on the 2nd day of July, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

B. No parking anytime:

CRANDON BOULEVARD north side: from the east curb line of
BISCAYNE DRIVE to the west curb
line of LOU ANN DRIVE

Section 102 is amended by adding thereto the following

B. No parking anytime:

CRANDON BOULEVARD north side: from the east curb line of
BISCAYNE DRIVE to the west
property line of 256 CRANDON
BOULEVARD

CRANDON BOULEVARD north side: from the east property line of
100 CRANDON BOULEVARD to the west
property line of 166 CRANDON
BOULEVARD

GREENLEAF LANE north side: from the east curb line of
RIDGE PARK AVENUE to a point
350 feet therefrom

Item No. 9 cont'd

WEST SOBIESKI STREET north side: from the east curb line of
DICK ROAD to the west curb
line of BUELL STREET

Section 2. Time to take effect.

(a) This amendment shall take effect when property posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA BEE, a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
 Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION

B
Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Cheektowaga Bee

STREET,
14221
00

George J. Measer

being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 19th day of July,
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 19th day

of July, 1979

Susan Schasel

Susan Schasel

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Form No. 1

adding thereto the following:
B. No parking anytime:
CRANDON BOULEVARD,
north side: from the east curb line
of BISCAYNE DRIVE to the west
property line of 256 CRANDON
BOULEVARD.
CRANDON BOULEVARD,
north side: from the east property
line of 100 CRANDON BOULE-
VARD to the west property line of
166 CRANDON BOULEVARD.
GREENLEAF LANE, north
side: from the east curb line of
RIDGE PARK AVENUE to a
point 350 feet therefrom.
WEST SOBIESKI STREET,
north side: from the east curb line
of DICK ROAD to the west curb
line of BUELL STREET.

Section 2. Time to
take effect.

(a) This amendment shall take
effect when properly posted with-
in a reasonable time except those
parts, if any, which are subject to
approval under Section 1684 of the
Vehicle and Traffic Law of the
State of New York.

(b) Any part or parts of this
amendment which is subject to
approval under Section 1684 of the
Vehicle and Traffic Law of the
State of New York shall take effect
from and after the day on which
approval in writing is received
from the New York State Traffic
Commission.

Section 3.

Territorial application.
This amendment shall apply to
all of the Town of Cheektowaga,
Erie County, New York outside of
the villages of Depew and Sloan.

Section 4. Publication
and Posting.

That this amendment to the
Traffic Ordinance shall be entered
in the minutes of this Town Board
and shall be published in the
CHEEKTOWAGA BEE a news-
paper published in this Town, and
a printed copy thereof shall be
posted on the signboard main-
tained by the Town Clerk pursu-
ant to Subdivision 6 of Section 30
of the Town Law of the State of
New York, and affidavits of such
publication and posting shall be
filed with the Town Clerk and the
Town Clerk shall likewise enter in
the Ordinance Book a copy of this
amendment specifying the date of
adoption thereof.

Upon roll call — Supervisor
Meyers, Voting AYE; Councilman
Swiatek, Voting AYE; Council-
man Johnson, Voting AYE; Coun-
cilman Dux, Voting AYE; Coun-
cilman Kaczmarek, Voting AYE;
Councilman Burt, Voting AYE;
Councilman Wegner, Voting
AYE.

AYES: 7
NAYES: 0
ABSENT: 0
STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI,
Town Clerk of the Town hereinaf-
ter described, DO HEREBY CER-
TIFY as follows:

1. A regular meeting of the
Town Board of the Town of
Cheektowaga, a town located in
the County of Erie, State of New
York, was duly held on July 16,
1979 and minutes of said meeting
have been duly recorded in the
Minute Book by me in accordance
with law for the purpose of record-
ing the minutes of meetings of
said Board, and such minutes
appear at item No. 9, inclusive, of
said book.

2. I have compared the attached
extract with said minutes so
recorded and said extract is a true
copy of said minutes and of the
whole thereof insofar as said
minutes relate to matters referred
to in said extract.

3. Said minutes correctly state
the time when said meeting was
convened, the place where such
meeting was held and the
members of said Board who at-
tended said meeting.

IN WITNESS WHEREOF, I
have hereunto set my hand and
have hereunto affixed the corpo-
rate seal of said Town, this 16th
day of July, 1979.

(SEAL)
Richard M. Moleski
Town Clerk
July 19

Amherst Bee

MINUTES
OF THE TOWN BOARD
OF CHEEKTOWAGA

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 Roads, in
said Town on the 16th day of July,
1979 at 7:00 o'clock P.M. Eastern
Daylight Saving Time there were:

- PRESENT:
- Supervisor
Kenneth J. Meyers
 - Councilman
Frank E. Swiatek
 - Councilman
Thomas M. Johnson, Jr.
 - Councilman
Frank J. Dux
 - Councilman
George Kaczmarek
 - Councilman
James R. Burt
 - Councilman
Donald J. Wegner

ABSENT: 0
Motion by Councilman Wegner,
Seconded by Councilman Dux.

WHEREAS, this Town Board
duly held a public hearing on the
2nd day of July, 1979 to consider
the advisability of adoption of a
proposed amendment to the Traf-
fic Ordinance of the Town of
Cheektowaga which was adopted
on July 17, 1967, said hearing
being held in accordance with
Notice thereof which was duly
published as required by law, at
which hearing an opportunity to
be heard was afforded all persons
interested in the subject thereof.

NOW, THEREFORE, BE IT
RESOLVED as follows:

Section 1.
That this Town Board deter-
mine that it is in the public
interest to adopt the following
amendment to the Traffic Ord-
inance of the Town of Cheektowa-
ga, County of Erie and State of
New York, and said amendment is
herewith adopted and enacted:

ARTICLE X
Parking, Standing,
and Stopping

Section 102 is amended by
deleting therefrom the following:

B. No parking anytime:
CRANDON BOULEVARD,
north side: from the east curb line
of BISCAYNE DRIVE to the west
curb line of LOU ANN DRIVE.

Section 102 is amended by

PUBLICATION

Cheektowaga News Inc.

ers of:
Cheektowaga Bee Lancaster Enterprise
N STREET,
E. N.Y. 14221
2-4700

George J. Measer

being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 19th day of July,
1979, and the last insertion being on the same
day of July, 1979.

Item No. 10 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town Board of the Town of Cheektowaga deems it to be in the best interest of the community to consider the adoption of a "SANITARY LANDFILL ORDINANCE", NOW, THEREFORE, BE IT

RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 6th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board members whether a "SANITARY LANDFILL ORDINANCE" shall be enacted; and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the said hearing.

NOTICE OF HEARING ON PROPOSAL TO ENACT

SANITARY LANDFILL ORDINANCE

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 16th day of July, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 6th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether a "SANITARY LANDFILL ORDINANCE" shall be adopted and enacted, which Ordinance regulates the establishment and operation of refuse disposal areas known as sanitary landfill for the disposal of solid wastes, authorizes the issuance of a license of the operation of a sanitary landfill, authorizes the inspection of a sanitary landfill operation, limits the materials that may be deposited in a sanitary landfill and files penalties for violations. A copy of the proposed "SANITARY LANDFILL ORDINANCE" is on file in the Town Clerk's Office where the same may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK,

RICHARD M. MOLESKI
Town Clerk

Dated: July 16, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



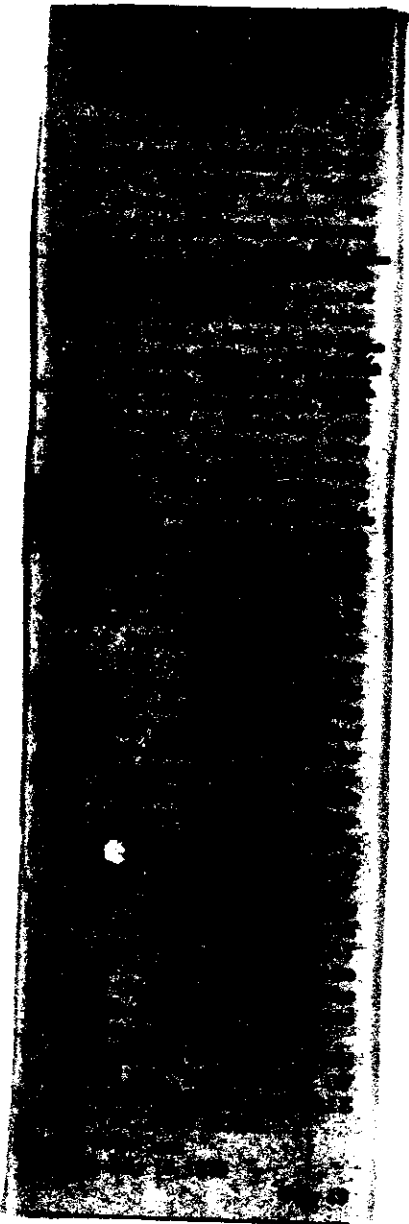
Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE



George J. Measer

being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 19th day of July,
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 19th day
of July, 1979

Susan Schasel *Susan Schasel*
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 11 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, Theodore B. Kulbacki has made application and requested the rezoning of property located at 2550 Union Road from RC-Restricted Business (Front 130 ft.) and RA-Apartment District (Remainder of property) to C-Retail Business District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 6, 1979 at 6:30 o'clock P.M., Eastern Daylight Savings Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



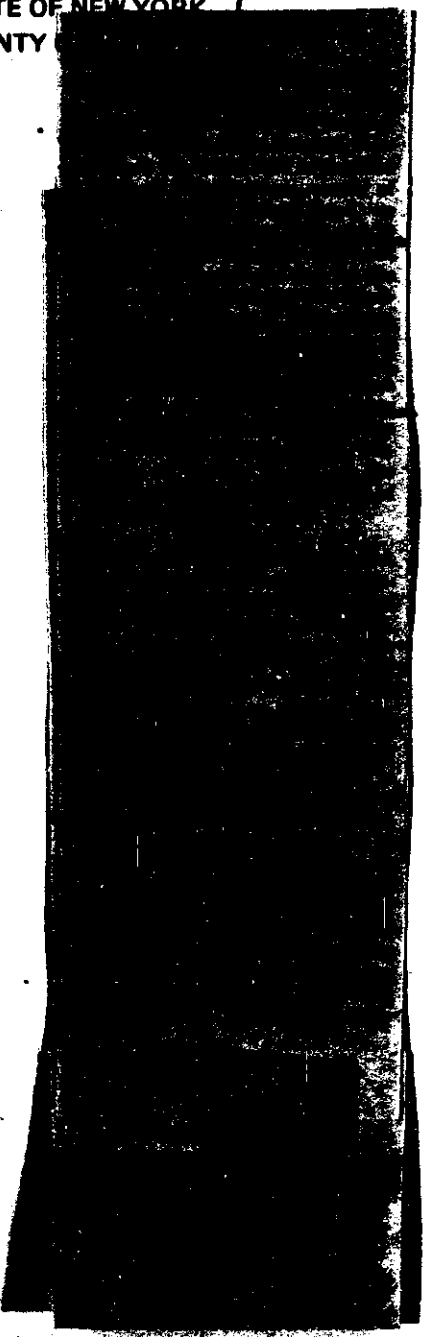
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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY



George J. Measer

being duly sworn, deposes and says that he is the
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notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 19th day of July,
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 19th day

of July, 1979

Susan Schasel

Notary Public in and for Erie County

PROOF OF PUBLICATION



Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF CHEEKTOWAGA

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 6th day of August, 1979, at 6:30 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Theodore B. Kulbacki to remove from RA - Apartment A B.C. - Restricted Business District to C - Retail Business District on property located at 2550 Union Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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 No. 63, Township 10, Range 7 of the Buffalo Creek Reservation and more particularly bounded and described as follows: - Beginning at the point of intersection of the center line of Union Road and the south line of Lot No. 63, which is also the point of beginning of the parcel of land first described in a deed from Walter V. Hein to Thomas A. Kaznowski and Emily A. Kaznowski, his wife, recorded on August 29, 1934 in Liber 2366 of Deeds at page 266 in the Erie County Clerk's Office; running thence northerly along the center line of Union Road 260.20 feet to a point; thence running westerly

along a line parallel to the north line of land deced by ... and Griffith as Executors ... recorded in the Erie County Clerk's Office in Liber ... of Deeds at page 402 for a distance of 606 feet and to the east line of land conveyed by Thomas A. Kaznowski and Emily A. Kaznowski to George Schreiber and Robert Winkelman by deed recorded on May 25, 1942 in the Erie County Clerk's Office in Liber 3247 of Deeds at page 573; thence running southerly and at an exterior angle to the last mentioned course of 90°45' and also along said east line of said Schreiber and Winkelman for a distance of 165.36 feet and to the south line of Lot No. 63; thence running easterly and along said south line of Lot No. 63 for a distance of 677.86 feet and to the center line of Union Road at the point of beginning. Excepting from the above described parcel of land appropriated by the State of New York for the widening of Union Road pursuant to Map 39, Parcel 48 for S.H. No. 1733, Gardenville - Williamsville Part I as recorded in Liber 7130 of Deeds at Page 547 in the Erie County Clerk's Office. Subject to the rights of the public in and to Union Road.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

- BY ORDER OF THE TOWN BOARD
Supervisor
Kenneth J. Meyers
Councilman
Frank E. Swiatek
Councilman
Thomas M. Johnson, Jr.
Councilman
Frank J. Dux
Councilman
George Kaczmarek
Councilman
James R. Burst
Councilman
Donald J. Wegner
RICHARD M. MOLESKI
Town Clerk

July 18

George J. Measer
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 19th day of July,
19 79, and the last insertion being on the same
day of , 19 .

Subscribed _____ 19th _____ day
of _____, 19 79
SUA
Notary Public _____

Form No. 1

Item No. 12 Motion by Supervisor Meyers, seconded unanimously

WHEREAS, the Town Board of Cheektowaga has previously adopted a resolution dated July 2, 1979 providing for a Public Hearing to be held on July 16, 1979 for the purpose of considering the adoption of a local law, ordinance, or resolution providing for the exemption from taxation relative to taxes assessed by the Town of Cheektowaga to the extent of 50 percentum of the assessed valuation of real property owned by persons over 65 years of age whose income or the combined income of the owners of said real property does not exceed the sum of \$8,000.00 per year and for the purpose of considering other amendments to Section 467 of the Real Property Tax Law of the State of New York regarding said exemptions, and

WHEREAS, a legal notice was duly published in the EXAMINER relative to the Public Hearing to be held on July 16, 1979, and

WHEREAS, said Public Hearing was held on July 16, 1979 by the Town Board of Cheektowaga and all interested parties were given an opportunity to be heard, NOW, THEREFORE, BE IT

RESOLVED that the Town Board, pursuant to the provisions set forth in Section 467 of the Real Property Tax Law of the State of New York, does hereby grant an exemption from Town taxes to the extent of 40 percentum of the assessed valuation of all real property owned by persons over the age of 65 years or real property owned by husband and wife, one of whom is 65 years of age or over.

The income of the owner or the combined income of the owners of the property for the income tax year immediately preceeding the date of making application for exemption must not exceed the sum of \$8,000.00. Income tax year shall mean the twelve-month period for which the owner or owners filed a Federal Income Tax return or if no return is filed, the calendar year. Where title is vested in either the husband or wife, the combined income may not exceed the sum of \$8,000.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, the cost of maintaining Erie County Roads in the Township of Cheektowaga, including the cost of equipment, labor, materials and supplies, has risen tremendously in the last two years, and

WHEREAS, the County of Erie has not increased the rate of reimbursement to the Cheektowaga Highway Department for maintenance of County Roads in the Township in the last two years, and

WHEREAS, the Cheektowaga Highway Department is responsible for the payment of increased costs, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board, per the request of the Highway Department, go on record asking the Erie County Legislature to increase the rate of reimbursement for maintenance of County Roads in the Township of Cheektowaga from \$650 per lane mile to \$800 per lane mile, and BE IT FURTHER

RESOLVED that the Legislators representing the Town of Cheektowaga and the Clerk of the County Legislature be sent copies of this resolution.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Wegner, seconded by Supervisor Meyers

Item No. 12 Motion by Supervisor Meyers, seconded unanimously

WHEREAS, the Town Board of Cheektowaga has previously adopted a resolution dated July 2, 1979 providing for a Public Hearing to be held on July 16, 1979 for the purpose of considering the adoption of a local law, ordinance, or resolution providing for the exemption from taxation relative to taxes assessed by the Town of Cheektowaga to the extent of 50 percentum of the assessed valuation of real property owned by persons over 65 years of age whose income or the combined income of the owners of said real property does not exceed the sum of \$8,000.00 per year and for the purpose of considering other amendments to Section 467 of the Real Property Tax Law of the State of New York regarding said exemptions, and

WHEREAS, a legal notice was duly published in the EXAMINER relative to the Public Hearing to be held on July 16, 1979, and

WHEREAS, said Public Hearing was held on July 16, 1979 by the Town Board of Cheektowaga and all interested parties were given an opportunity to be heard, NOW, THEREFORE, BE IT

RESOLVED that the Town Board, pursuant to the provisions set forth in Section 467 of the Real Property Tax Law of the State of New York, does hereby grant an exemption from Town taxes to the extent of 40 percentum of the assessed valuation of all real property owned by persons over the age of 65 years or real property owned by husband and wife, one of whom is 65 years of age or over.

The income of the owner or the combined income of the owners of the property for the income tax year immediately preceeding the date of making application for exemption must not exceed the sum of \$8,000.00. Income tax year shall mean the twelve-month period for which the owner or owners filed a Federal Income Tax return or if no return is filed, the calendar year. Where title is vested in either the husband or wife, the combined income may not exceed the sum of \$8,000.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, the cost of maintaining Erie County Roads in the Township of Cheektowaga, including the cost of equipment, labor, materials and supplies, has risen tremendously in the last two years, and

WHEREAS, the County of Erie has not increased the rate of reimbursement to the Cheektowaga Highway Department for maintenance of County Roads in the Township in the last two years, and

WHEREAS, the Cheektowaga Highway Department is responsible for the payment of increased costs, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board, per the request of the Highway Department, go on record asking the Erie County Legislature to increase the rate of reimbursement for maintenance of County Roads in the Township of Cheektowaga from \$650 per lane mile to \$800 per lane mile, and BE IT FURTHER

RESOLVED that the Legislators representing the Town of Cheektowaga and the Clerk of the County Legislature be sent copies of this resolution.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Wegner, seconded by Supervisor Meyers

Item No. 14 cont'd

WHEREAS, the Department of Public Works of the County of Erie has submitted to the Town an application for a permit relative to No-Parking signs which the Town desires to install at the following location:

Walden Avenue, C.R. 244

North side and south side from the east curb line of Harlem Road N.Y.S. Rte. 240 to the west entrance-exit of the New York State Thruway

and

WHEREAS, it is required that the Town execute said application, copies of which are attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to sign said application on behalf of the Town, and BE IT FURTHER

RESOLVED that a certified copy of this resolution and the copies of said application, to be signed by the Deputy Commissioner of the Erie County Department of Public Works, be forwarded to the County of Erie Department of Public Works.

* See next two (2) pages for permit

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
Buffalo, New York

RECEIVED
1979

PERMIT TO INSTALL, ALTER OR RELOCATE
TRAFFIC SIGNS, SIGNALS OR MARKINGS

The undersigned hereby requests permission to furnish, erect, and maintain ^{Richard A. Clark} NO PARKING signs (P series) to advise of attached ordinance restriction per paragraph 2.

As a condition of granting this permit, it is agreed that:

1. The applicant shall furnish the necessary parts, equipment, traffic signs or signals and pay all costs of installation, maintenance and operation.
2. The signs shall be erected with breakaway posts so that the signs shall be 12 feet from the edge of the road and the bottom of the signs shall be 7 feet above the edge of pavement. The signs shall be posted 199 feet apart and shall be installed facing traffic at an angle of between 30 and 45 degrees with a line parallel to the flow of traffic with arrows indicated per New York State Manual of Uniform Traffic Control Devices, at the following location:

North Side of William St., CR #207, from the west curb line of Starlite Avenue to the east curb line of Standard Parkway

Cayuga Creek Road CR #165	Northwest Side: North Side:	From the south curb line of William St., CR 207, to its intersection with Harlem Road
------------------------------	--------------------------------	--

Cayuga Creek Road CR #165	Southeast Side: South Side:	From the south curb line of William St., CR 207, to its intersection with Harlem Road.
------------------------------	--------------------------------	---

3. All signals shall be suspended centrally over the pavement, with a minimum clearance of 15 to 17 feet.
4. All signs, signals or markings covered by this permit shall conform to the standards of the State Traffic Commission.
5. The work authorized by this permit shall be performed under the supervision and to the satisfaction of the Deputy Commissioner of Public Works-Highways of Erie County.
6. Traffic shall be maintained; and traffic and public shall be properly protected at all times during the progress of the work authorized by this permit.
7. All portions of the highway or street which may be disturbed during the progress of the work authorized by this permit shall be restored to their original condition.

- 8. The applicant hereby agrees that it will keep insured during the performance of the above described work, such employees as are required to be insured under the provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof, known as the Workmen's Compensation Law.
- 9. The applicant agrees to maintain the sign, signal or marking and any equipment or necessary parts thereof in good condition, and in a manner which will not constitute a hazard to traffic.
- 10. The applicant hereby agrees to hold the County harmless on account of damages of any kind which may arise during the progress of the work authorized by this permit, or by reason thereof, including any damage that may result from failure of signal to operate at any time.
- 11. This permit is revocable at the discretion of the Deputy Commissioner of Public Works - Highways after a hearing and for due cause.

The person executing this application on behalf of the applicant certifies that he has full authority to execute this application, and if the applicant is a village, town or school board, he has annexed hereto a certified copy of a resolution by such body, authorizing him to make this application.

Dated:

JUNE 25, 1979

Town of Cheektowaga
 (Name of authority requesting permit)
 By Denneth J. Meyer
 (Title)
 Supervisor

APPROVED UNDER CHAPTER 63, SECTION 136, OF THE LAWS OF 1936

Dated:

JULY 12, 1979

DEPUTY COMMISSIONER OF PUBLIC WORKS - HIGHWAYS

Denneth L. Dietmeier

Item No. 14 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga is the recipient of a \$200,000 Community Development Block Grant from the County of Erie for purposes of the commercial revitalization of Walden Avenue, and

WHEREAS, these funds may be used for the rehabilitation of commercial properties and the grant contains provision for the award of Facade Improvement Grants to owners of commercial property on Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to enter into an agreement with the owner listed below for the disbursement of Facade Grant funds in an amount not to exceed \$367.45:

Matthew Karek
Commercial Property: 1046 Walden Avenue
Cheektowaga, New York

AND BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to John Mowatt, Erie County Community Development Director, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 16 Acceptance of Woodside Lane as Town Highway
This item was withdrawn.

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, it is in order that bids be advertised to cover the installation of corrugated beam guide railings for the Town for the 1979/1980 year, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the installation of corrugated beam guide railings for the year of 1979/1980, notice to be published in the EXAMINER, AND BE IT FURTHER

RESOLVED that the Town Board meet on the 6th day of August, 1979 at 7:00 P.M., Eastern Daylight Savings Time, at the Town Hall, corner of 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.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 6, 1979 at 7:00 P.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for installation of corrugated beam guide railings for the year of 1979/1980.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

Item No. 17 cont'd

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder should it be in the best interests of the Town, or reject any and all bids.

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
Town Clerk

DATED: July 16, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 19 day of July, 1929 and ending on the _____ day of _____, 19____

(CR)
Signed James L. Charters
Sworn to before me, on the 24
day of July, 1929

William H. Daniel
Notary Public

WILLIAM H. DANIEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 22, 1931

SEVEN A WALL
1-10-1979
@ 10:00 AM
1-10-1979

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board on **Monday, July 16, 1979, at 1:00 P.M.** Eastern Standard Time, at the Town Hall, corner of Broadway and 9th Street, for the installation of a **sewer main** guide cables for the year of **1979/1980.**

Information for bidders and specifications may be obtained from the Town Clerk at his office in said town.

The Town Board reserves the right to consider and accept any bid not conforming with the specifications and contract documents, and may waive any irregularities, errors or omissions in any bid, and the low bidder shall be bound to the best interests of the Town of any and all bids.

The Board of Health is the Board of Health, 2nd Floor, New York.

WALTER M. BROWN
Town Clerk
DATED: July 10, 1979

Item No. 18 Motion by Councilman Swiatek, seconded by Councilman Wegner

BE IT RESOLVED that the Town Clerk be directed to publish a NOTICE TO BIDDERS for furnishing of Football equipment to the Town of Cheektowaga Recreation Department. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk, said notice to be published in THE EXAMINER and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 o'clock P.M., Eastern Daylight Saving Time on August 6, 1979 for the purpose of properly opening and reading the sealed bids.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 6, 1979 at 7:00 P.M., Eastern Daylight Savings Time at the Town Hall, corner of Broadway and Union Road for football equipment.

Information for bidders and specifications may be obtained from the Town Clerk at his office in Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

RICHARD M. MOLESKI
Town Clerk

DATED: July 16, 1979
PUBLISHED: July 19, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 19 day of July, 1919 and ending on the day of , 19

Signed James L. Charters
Sworn to before me, on the 24
day of July, 1919
Lillian A. Jones
Notary Public

LILLIAN A. JONES
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 22, 1921

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowick on **Monday, June 11, 1979, at 7:00 P.M.** for the purchase of **1000 lbs. of** **100% wool, 100% superfine, 36's to 38's, 100% wool, 100% superfine, 36's to 38's, 100% wool, 100% superfine, 36's to 38's.** Plans and specifications may be obtained from the Town Clerk at his office in Town.

The Town Board reserves the right to accept or reject any and all bids and to award the contract to the lowest responsible bidder. All bidders are required to submit a check for the amount of the bid, payable to the order of the Town of Cheektowick, with the bid. The check must be cashed by the bidder at the time of the bid opening. The check must be cashed by the bidder at the time of the bid opening. The check must be cashed by the bidder at the time of the bid opening.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWICK, CUYAHOGA COUNTY, OHIO
ROBERT H. BOLECKI
Town Clerk

ILLIAN A. MALI...
My Commission Expires...

Item No. 19 Award of bid for Scajaquada Creek Bridges and Culverts
This item was withdrawn.

Item No. 20 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, Section 14-3 of the Unsafe Buildings and Collapsed Structures Ordinance of the Town of Cheektowaga, New York requires that unsafe buildings be repaired, demolished or removed, and

WHEREAS, Thomas Hyland, who according to the Assessor's Office records is the owner of an unsafe building located at _____, Cheektowaga, New York, has neglected to repair, demolish, survey or remove said unsafe structure, and

WHEREAS, Ronald Marten, Building and Plumbing Inspector and Donald W. Love, architect, have been appointed to inspect, survey and report on said unsafe building, and

WHEREAS, Ronald Marten, Building and Plumbing Inspector and Donald W. Love, architect, have inspected and surveyed said building and reported it to be unsafe and dangerous, NOW, THEREFORE, BE IT

RESOLVED that application be made at a Special Term of the Supreme Court, Eighth Judicial District, for an order determining this building to be a public nuisance and directing that it be taken down and removed, and BE IT FURTHER

RESOLVED that all costs incurred in connection with these proceedings be assessed against the land on which the building is located.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Wegner, seconded by Councilman Dux

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at 86 Davidson Drive (vacant lot), Cheektowaga, New York (Account No. 44-418), and according to the Assessor's Office records is owned by Borynski Construction, Inc., 395 Borden Road, West Seneca, New York, 14224, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds and debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Wegner, seconded by Councilman Dux

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at 152 Peinkofer Drive, in the Town of Cheektowaga, New York (Account No. 30-578), and according to the Assessor's Office records is owned by Joseph Vanderheyden, _____, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 22 cont'd

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Wegner, seconded by Councilman Kaczmarek

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at the northeast corner of William Street and Vern Lane, Cheektowaga, New York (Account No. 38-182), and according to the Assessor's Office records is owned by Anthony Pangera, Williamsville, New York 14221, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at the northeast corner of Crandon Boulevard and Stanislaus Avenue in the Town of Cheektowaga, New York (Account No. 22-367, MC 733-976, SL 58), and according to the Assessor's Office records is owned by Hugh Allan Associates, Inc., 4560 Gunville Road, Clarence, New York 14031, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at the southwest corner of Evergreen Place and Meadow Place in the Town of Cheektowaga, New York (Account No. 22-647), and according to the Assessor's Office records is owned by Dominic S. Carino, 140 Clinton Heights Drive, Elma, New York 14059, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 25 cont'd

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Wegner, seconded by Councilman Dux

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at the northeast corner of Beach Road and Genesee Street, in the Town of Cheektowaga, New York (Account No. 2-477 and 2-478), and according to the Assessor's Office records is owned by Willard Allis, 403 Walton Drive, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up of the high weeds and accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at Sublots 18 and 19, Map Cover No. 838 on Colton Street in the Town of Cheektowaga, New York, and according to the Assessor's records is owned by Walter Kajtoch, 389 Shanley Street, Buffalo, New York 14206, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner thereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Wegner, seconded by Councilmen Burst

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located at Vern Lane west of Union Road in the Town of Cheektowaga, New York (MC No. 527, Lot 51), and according to the Assessor's Office records is owned by Irving Smith, 3343 Harlem Road, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up of the high weeds and accumulated debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 28 cont'd

RESOLVED that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Swiatek, seconded by Supervisor Meyers

BE IT RESOLVED that the following individuals be hired for the Bicycle Registration Program at a salary rate of \$2.90 per hour:

Michael Kogut
Norbert Lonczak
Mark Slazak
Mike Schenk
Michael Hamarski
Marty Nowak

AND BE IT FURTHER

RESOLVED that the following individual be switched from Hometown Beautification at \$2.90 per hour to Facilities Department at \$2.90 per hour:

Kevin DiTondo

AND BE IT FURTHER

RESOLVED that the following individual be hired as part of the Youth Conservation Corps Grant Program retroactive to Monday, July 9, 1979 at a salary rate of \$2.90 per hour:

Gerald Neumann

AND BE IT FURTHER

RESOLVED that the following individual be hired as part of the Bicycle Registration Program as Crew Supervisor at \$3.15 per hour:

Mark Popiella

AND BE IT FURTHER

RESOLVED that the following individuals be hired as seasonal employees in the Central Garage at the rate of \$2.90 per hour:

Paul Pagana
Thomas Smith

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, the Parks and Recreation Committee has reviewed the present status of Youth Hockey conducted by both the Public and Non-Profit Private Associations, AND

WHEREAS, the Parks and Recreation Committee and the Cheektowaga Town Board is desirous of achieving a equitable and harmonius consolidation of said organizations to achieve the maximum benefits afforded to the youth represented by both sectors, and

Item No. 30 cont'd

WHEREAS, the Parks and Recreation Committee is committed to the concept of having a single organization comprised of representatives of both the Public and Private Sectors responsible for the future conduct of Youth Hockey in the Town of Cheektowaga, effective May 1, 1980, and

WHEREAS, the Parks and Recreation Committee has recommended that a "Steering Committee" be created to formulate a set of recommendations and By-Laws to be submitted for review by the Parks and Recreation Committee, and

WHEREAS, said "Steering Committee" must submit its recommendations and By-Laws for review no later than October 26, 1979, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby approve the appointment to the Cheektowaga Hockey "Steering Committee" the following individuals:

James J. Matecki
Edward
Joseph Christ, Sr.
Wayne Page
Art Pagw
Jerry Voelker
Daniel P. Miller
Fred Boggan
Karl Bykowski
Don Brzezicki
Marty Burton

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga has submitted an application for funding to the New York State Council on the Arts for the presentation of a Polish Arts Festival, and

WHEREAS, the presentation of a Polish-American Arts Festival is deemed to be appropriate and proper to honor the contributions and achievements of Polish-American citizens to this nation's cultural, artistic, scientific and educational enrichment, and

WHEREAS, the presentation of such a festival has the full and enthusiastic support of the Town's Polish-American community, and

WHEREAS, the presentation of such a festival has been scheduled for August 23-26, 1979 in Cheektowaga Town Park, NOW, THEREFORE, BE IT

RESOLVED that a Committee, to be called the 1979 Chopin-Paderewski Festival Committee, be and hereby is established for the purpose of advising and assisting the Town in the presentation of the aforementioned festival, and BE IT FURTHER

RESOLVED that the Committee membership shall comprise the following individuals:

Bronislaus Trzyzewski

Sister Marcella Marie Garus
Villa Maria College

Patricia Wojcik

Item No. 31 cont'd

Edward Wojciechowicz

Robert Pietrzak

Henry Chimes

Henry Marszalkowski

John Poczciwinski

Stanley Stachewicz

Ruth Peters

Henry Andrzejewski, St.

Chester Nowacki

Edward Ziarnowski

Richard Sacilowski

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 32 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the Town of Cheektowaga Chief Payroll Clerk retired effective May 31, 1979, and

WHEREAS, an interviewing and selection process is underway to replace those duties with an upgraded position, and

WHEREAS, until this new position is filled there are certain specialized payroll duties which require assistance, and

WHEREAS, permission of the New York State Retirement System is assured, NOW, THEREFORE, BE IT

RESOLVED that Eugenia Bobeck be hired, effective immediately, at a daily rate of \$22.00, to temporarily perform certain payroll duties.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Councilman Dux, seconded by Councilman Kaczmarek

WHEREAS, the position of "Auto Mechanic" in the Central Garage has been created, and

Item No. 33 cont'd

WHEREAS, said vacancy had been posted in accordance with the bargaining agreement between the Town of Cheektowaga and Local 1026 AFL-CIO, NOW, THEREFORE, BE IT

RESOLVED that David J. Kulik, Mechanic Helper in the Central Garage be appointed to said position of "Auto Mechanic" in the Central Garage, at a salary in accordance with the Union Contract, said appointment to become effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, David J. Przepiora, a Police Officer in the Cheektowaga Police Department, has applied for Military Leave of Absence for August 4, 1979 to August 11, 1979, and his Order to report for military duty has been forwarded to the Town Clerk, and

WHEREAS, Section 242 of the Military Law of the State of New York allows a military leave for the purpose of reporting for military duty pursuant to an Order up to a period of six months, and

WHEREAS, Section 242 of the Military Law also provides for the payment of the salary of such public employee for a period of thirty (30) days while on said military leave duty, NOW, THEREFORE, BE IT

RESOLVED that David J. Przepiora, a Police Officer in the Cheektowaga Police Department, be and hereby is granted a military leave of absence for August 4, 1979 to August 11, 1979, and BE IT FURTHER

RESOLVED that said David J. Przepiora be paid his salary or other compensation while on such military leave.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 35 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, Mr. Lawrence Kowal, employed in the Cheektowaga Facility Department is enrolled in the Department of the Army, Armed Forces Reserve, and

WHEREAS, Mr. Kowal has received orders to report for Active Duty Training effective August 5, 1979 through August 17, 1979, and

WHEREAS, all employees eligible for benefits under Section 242 and 243 of the Military Law of the State of New York shall be guaranteed such benefits in full accordance with the law, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board approves said Military Leave for Mr. Lawrence Kowal, , Cheektowaga, New York for the period of August 5, 1979 through August 17, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that funds in the amount of \$38,000 (Thirty-Eight Thousand Dollars) be transferred from CF.909 (Federal Revenue Sharing-Fund Balance) to CF.9550.007 (Federal Revenue Sharing-Transfer to Capital Fund-Autumnwood III) in order to provide funding for the Autumnwood III project expenditures which are approved by a Town Board resolution on June 25, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA prior to July 16th, 1979 be and the same are hereby approved and the Supervisor is ordered to pay same.

<u>FUND</u>	<u>CHECK NO.</u> <u>FROM TO</u>	<u>AMOUNT</u>
GENERAL FUND	11041-11202	\$ 357,938.10
SPECIAL DISTRICT FUND	6125-6187	1,067,186.86
HIGHWAY FUND	4631-4667	157,304.91
CAPITAL FUND	223-228	981,964.53
TOWN HALL E.D.A. FUND	11	13,137.66
TRUST & AGENCIES FUND	672-675	46,278.18
H.U.D. - C.D.B.G. FUND	161-162	1,577.00
SPECIAL ASSESSMENTS FUND	17	2,582.25
DEBT SERVICE FUND	48-58	38,629.51
PART TOWN FUND	16-24	<u>4,275.49</u>
		<u>\$2,670,874.49</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 38 Building Permits
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 39 Staff Asst. to President Carter - letter acknowledging receipt of resolution from T.B. Meeting of 6/25/79
Copies were sent to: The Town Board
Received and Filed.

Item No. 40 Clerk of U.S. House of Representatives - letter acknowledging receipt of resolution of 6/25/76 regarding funds for advanced wastewater treatment
Copies were sent to: The Town Board; Chester Bryan, Town Engineer.
Received and Filed.

- Item No. 41 Letter from Secretary to Governor Carey - acknowledging receipt of resolution of July 2, 1979
Copies were sent to: The Town Board
Received and Filed.
- Item No. 42 Dale Volker, Senator - letter acknowledging receipt of Town Board resolutions of 6/25/79
Copies were sent to: The Town Board
Received and Filed.
- Item No. 43 Secretary of the Senate - letter acknowledging receipt of resolution of 6/25/79 regarding funds for advanced wastewater treatment
Copies were sent to: The Town Board; Chester Bryan, Town Engineer
Received and Filed.
- Item No. 44 N.Y.S. Dept. of Trans. - Certificate and Notice of Closing Highway - portion of Central Blvd.
Copies were sent to: The Town Board; Cheektowaga Traffic Safety Commission; Alfred Wnek, Highway Superintendent.
Received and Filed.
- Item No. 45 NOTICE OF CLAIM - Jerome R. Grapezynski vs Town of Cheektowaga
Copies were sent to: John V. Rogowski, Town Attorney; E.T. Clauss - Insurance Company; Kenneth J. Meyers, Supervisor; Alfred Wnek, Highway Superintendent.
Received and Filed.
- Item No. 46 NOTICE OF CLAIM - Edward & Florence Luber vs Town of Cheektowaga
Copies were sent to: John V. Rogowski, Town Attorney; E.T. Clauss - Insurance Company; Ron Zoeller, Sanitation Department; Supervisor's office already received copy.
Received and Filed.
- Item No. 47 E.C. Town Clerk's Association - letter regarding dog license fees
Copies were sent to: John V. Rogowski, Town Attorney; The Town Board
Received and Filed.
- Item No. 48 Donald W. Love, P.C, Architect - letter regarding property at 232 Dean Road
Copies were sent to: The Town Board; Ron Marten, Building and Plumbing Inspector; John V. Rogowski, Town Attorney
Received and Filed.
- Item No. 49 Letter from Board of Fire Commissioners, Cleveland Hill Fire District #6 regarding resolution adopted regarding gas from Town
Copies were sent to: Town Board; John V. Rogowski, Town Attorney
Received and Filed.
- Item No. 50 Letter from Diem & Buerger Agency, Inc. - property damaged by fire at Cleveland Drive and Century Road
Copies were sent to: The Town Board; Ron Marten, Building and Plumbing Inspector
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Johnson, seconded by Councilman Kaczmarek to suspend the rules to include the following two (2) items.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 51 Supplemental Bond resolution regarding construction of Pedestrian
Highway Bridges (Scajaquada Creek Project)

* See next pages for Supplemental Bond resolution.

7C
EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga
in the County of Erie, New York.

July 16, 1979

* * *

A regular meeting of the Town Board of the Town
of Cheektowaga, in the County of Erie, New York, was held at the
Town Hall, in said Town, on July 16, 1979, at 7:00 o'clock
 .M. (D.S.T.).

There were present: Hon. Kenneth J. Meyers, Supervisor,
and
Frank E. Swiatek, Councilman
Thomas M. Johnson, Jr., Councilman
Frank J. Dux, Councilman
George Kaczmarek, Councilman
James R. Burst, Councilman
Donald J. Wegner, Councilman

There were absent:

Also present: Richard A. Moleski, Town Clerk
John V. Rogowski, Town Attorney

* * *

Supervisor Meyers offered the following
resolution and moved its adoption:

RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW
YORK, ADOPTED JULY 16, 1979, AMENDING THE
BOND RESOLUTION ADOPTED MAY 15, 1978.

Recital

WHEREAS, the Town of Cheektowaga, in the County of Erie, New York, duly authorized the issuance of \$1,075,680 serial bonds for the construction of pedestrian and highway bridges across the Scajaquada Creek and tributaries, in said Town, pursuant to a bond resolution duly adopted by the Town Board on May 15, 1978; and

WHEREAS, due to generally increased costs of labor and materials, said Town Board has estimated the maximum cost of said construction to be \$1,225,680, being an increase of \$150,000, and it is now necessary to provide for the financing of said construction;

now, therefore, be it

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

Section 1. The bond resolution of said Town duly adopted by the Town Board of the Town on May 15, 1978, entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 15, 1978, authorizing the construction of pedestrian and highway bridges across the Scajaquada Creek and tributaries, stating the estimated maximum cost thereof is \$1,075,680, appropriating said amount therefor, including \$53,784 current funds to provide the required down payment and authorizing the issuance of \$1,021,896 serial bonds of said Town to finance the balance of said appropriation,"

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 15, 1978 AND AMENDED JULY 16, 1979 AUTHORIZING THE CONSTRUCTION OF PEDESTRIAN AND HIGHWAY BRIDGES ACROSS THE SCAJAQUADA CREEK AND TRIBUTARIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,225,680, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING \$62,000 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT AND AUTHORIZING THE ISSUANCE OF \$1,163,680 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, is hereby authorized to construct pedestrian and highway bridges across the Scajaquada Creek and its tributaries, using steel, stone, concrete or a combination thereof, including the acquisition of land or rights in land, and construction of retaining walls and approaches as may be required therefor, said work being part of the "Scajaquada Creek and Tributaries Flood Protection Project". The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,225,680 and said amount is hereby appropriated therefor, including the amount of \$62,000 current funds to provide the down payment required pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"). The plan of financing includes the use of said current funds to provide such down payment

and the issuance of \$1,163,680 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Pursuant to the provisions of the Law, serial bonds of the Town in the principal amount of \$1,163,680, are hereby authorized to be issued to finance the balance of said appropriation.

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

(a) The period of probable usefulness of the class of objects or purposes for which the bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 10. is twenty (20) years.

(b) Current funds are required by the Law to be provided as a down payment prior to the issuance of the bonds herein authorized or of any notes in anticipation of the sale of such bonds and such current funds in the amount of \$62,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "A-599 General Fund Appropriated Fund Balance" and the Supervisor is hereby authorized and directed to set aside said current funds and apply the same solely to said class of objects or purposes described in Section 1 hereof.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by §52.00 of the Law, and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all

the taxable real property within the Town without limitation of or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

RESOVLED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

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

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

TOWN OF CHEEKTOWAGA, IN THE COUNTY
OF ERIE, NEW YORK

PLEASE TAKE NOTICE that on July 16, 1979, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a resolution amending the bond resolution adopted May 15, 1978, which bond resolution, so amended, entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 15, 1978, and amended July 16, 1979 authorizing the pedestrian and highway bridges across the Scajaguada Creek and tributaries, stating the estimated maximum cost thereof is \$1,225,680, appropriating said amount therefor, including \$62,000 current funds to provide the required down payment and authorizing the issuance of \$1,163,680 serial bonds of said Town to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING the Town of Cheektowaga ("Town"), New York, to construct pedestrian and highway bridges across the Scajaguada Creek and its tributaries, using steel, stone, concrete or a combination thereof, including the acquisition of land or rights in land, and the construction of retaining walls and approaches as may be required therefor, said work being part of the "Scajaguada Creek and Tributaries Flood Protection Project"; STATING the estimated maximum cost thereof is \$1,225,680 and APPROPRIATING said amount therefor, including the amount of \$62,000 current funds to provide the down payment required pursuant to the Local Finance Law ("Law"); STATING the plan of financing includes the use of said current funds to provide such down payment and the issuance of \$1,163,680 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING \$1,163,680 serial bonds of the Town to be issued pursuant to the provisions of the Law to finance the balance of said appropriation;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of the class of objects or purposes is twenty (20) years; that current funds are required by the Law to be provided as a down payment prior to the issuance of the bonds or of any notes in anticipation of the sale of such bonds and such current funds in the amount of \$62,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "A-599 General Fund Appropriated Fund"; AUTHORIZING AND DIRECTING the ^{Balance} Supervisor to set aside said current funds and apply the same solely to said class of objects or purposes; STATING that the proposed maturity of the bonds will exceed five (5) years;

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

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

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

DATED: July 16, 1979

RICHARD M. MOLESKI,
Town Clerk

Section 3. The amendment to said bond resolution in Section 1 of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution and all such liabilities incurred, obligations issued or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section 4. This resolution shall take effect immediately.

*

*

*

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

AYES: 7

NOES: 0

ABSENT: 0

The resolution was declared adopted.

CERTIFICATE

I, RICHARD A. MOLESKI, Town Clerk of the Town of Cheektowaga,
in the County of Erie,

State of New York, HEREBY CERTIFY that the foregoing
annexed extract from the minutes of a meeting of the _____
Town Board of said Town,
duly called and held on July 16, 1979, has been
compared by me with the original minutes as officially recorded in
my office in the Minute Book of said Town Board
and is a true, complete and correct copy thereof and of the whole of
said original minutes so far as the same relate to the subject matters
referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Town
this 16th day of July, 1979

Richard M. Moleski
Town Clerk

(Seal)

7C

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

RICHARD M. MOLESKI, being duly sworn upon his oath,
deposes and says:

That he is and at all the time hereinafter mentioned, he
was the duly appointed, qualified and acting Town Clerk of the
Town of Cheektowaga, in the County of Erie, New York;

That on the 25th day of July, 1979, he
caused to be conspicuously posted and fastened up a Notice
setting forth an abstract of the bond resolution, as amended,
duly adopted by the Town Board on July 16, 1979, a copy of
which is annexed hereto and made a part hereof, on the sign
board of the Town maintained pursuant to subdivision 6 of
Section 30 and that said places constitute at least five (5)
of the most public places in said Town:

1. Telephone Pole NYT 931 in front of Infant of Prague R.C. Church
Cleveland Drive, Cheektowaga, New York
2. Pole in front of Pine Hill Fire Company, Pine Ridge Road, Cheektowaga,
New York
3. Pole 419 NYSESEG 205 in front of Doyle Fire Company, William and
Alaska Streets, Cheektowaga, New York
4. Bulletin Board 392-110-1, Southline Fire Station, French Road,
Cheektowaga, New York
5. Bulletin Board, St. Barnabas R.C. Church, George Urban Boulevard,
Depew, New York

Richard M. Moleski
Town Clerk

Subscribed and sworn to before
me this 30th day of July, 1979.

Vickie L. Dankowski
Notary Public, State of New York

VICKIE L. DANKOWSKI
Notary Public, State of New York
Qualified in Erie County
Commission Expires March 28, 1981

PROOF OF PUBLICATION



Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



George J. Heaser

being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News

a public newspaper published at

Williamsville, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 26th day of July,

19 79, and the last insertion being on the same

day of , 19.

Subscribed and sworn to before me this 26th day

of July, 19 79

George J. Heaser

Susan Schasel

Susan Schasel

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 80

Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
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STATE OF NEW YORK }
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insertion being on the 25th day of July

19 79, and the last insertion being on the same

day of , 19

LEGAL NOTICE

TOWN OF CHEEKTOWAGA IN THE COUNTY OF ERIE, NEW YORK

PLEASE TAKE NOTICE that on July 16, 1979, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a resolution amending the bond resolution adopted May 15, 1978, which bond resolution, so amended, entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted May 15, 1978 and amended July 16, 1979 authorizing the construction of pedestrian and highway bridges across the Scajaquada Creek and Tributaries, stating the estimated maximum cost thereof is \$1,225,680, appropriating said amount therefor, including \$62,000 current funds to provide the required down payment and authorizing the issuance of \$1,163,680 serial bonds of said Town to finance the balance of said appropriation," an abstract of such resolution, as amended, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Town of Cheektowaga ("Town"), New York, to construct pedestrian and highway bridges across the

"Scajaquada Creek and Tributaries," including acquisition of land or rights in land and the construction of retaining walls and approaches as may be required therefor, said work being part of the "Scajaquada Creek and Tributaries Flood Protection Project;" STATING the estimated maximum thereof is \$1,225,680 and APPROPRIATING said amount therefor, including the amount of \$62,000 current funds to provide the down payment required pursuant to the Local Finance Law ("Law"); STATING the plan of financing includes the use of said current funds to provide such down payment and the issuance of \$1,163,680 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING \$1,163,680 serial bonds of the Town to be issued pursuant to the provisions of the Law to finance the balance of said appropriation;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of the class of objects or purposes is twenty (20) years; that current funds are required by the Law to be provided

as a down payment prior to the issuance of the bonds or of any notes in anticipation of the sale of such bonds and such current funds in the amount of \$62,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "A-599 General Fund Appropriated Fund Balance;" AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and apply the same solely to said class of objects or purposes; STATING that the proposed maturity of the bonds will exceed five (5) years;

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

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

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

DATED: July 16, 1979

RICHARD M. MOLESKI
Town Clerk

July 26

Subscribed and sworn to before me this 26th day

Richard M. Moleski

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 23 day of August 1979 and ending on the day of , 19

(E.L.)
Signed James Charters
Sworn to before me, on the 23
day of Aug. 1979
Carol M. Smith
Notary Public

CAROL M. SMITH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

**[NOTICE TO BE ATTACHED TO
AND TO BE PUBLISHED WITH
RESOLUTION UPON EXPIRATION OF
PERIOD FOR PERMISSIVE
REFERENDUM]
NOTICE**

The Resolution published herewith has been adopted on the 15th day of May, 1978, and amended on the 16th day of July, 1979, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such 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, New York, 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

**BOND RESOLUTION OF THE
TOWN OF CHEEKTOWAGA, NEW
YORK, ADOPTED MAY 15, 1978
AND AMENDED JULY 16, 1979,
AUTHORIZING THE CONSTRUCTION
OF PEDESTRIAN AND HIGHWAY
BRIDGES ACROSS THE SCAJAQUA-
DA CREEK AND TRIBUTARIES,
STATING THE ESTIMATED MAXI-
MUM COST THEREOF IS
\$1,225,680, APPROPRIATING SAID
AMOUNT THEREFOR, INCLUDING
\$62,000 CURRENT FUNDS TO PRO-
VIDE THE REQUIRED DOWN PAY-
MENT AND AUTHORIZING THE IS-
SUANCE OF \$1,163,680 SERIAL
BONDS OF SAID TOWN TO FINANCE
THE BALANCE OF SAID APPROPRI-
ATION.**

**THE TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, IN THE COUN-
TY OF ERIE, NEW YORK, HEREBY
RESOLVES (by the favorable vote of
not less than two-thirds of all the
members of said Board) AS FOL-
LOWS:**

Section 1. The Town of Cheektowaga (herein called "Town"), in the

County of Erie, New York, is hereby authorized to construct pedestrian and highway bridges across the Scajaquada Creek and its tributaries, using steel, stone, concrete or a combination thereof, including the acquisition of land or rights in land, and construction of retaining walls and approaches as may be required therefor, said work being part of the "Scajaquada Creek and Tributaries Flood Protection Project". The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,225,680 and said amount is hereby appropriated therefor, including the amount of \$62,000 current funds to provide the down payment required pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"). The plan of financing includes the use of said current funds to provide such down payment and the issuance of \$1,163,680 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Pursuant to the provisions of the Law, serial bonds of the Town in the principal amount of \$1,163,680, are hereby authorized to be issued to finance the balance of said appropriation.

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

(a) The period of probable usefulness of the class of objects or purposes for which the bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 10. is twenty (20) years.

(b) Current funds are required by the Law to be provided as a down payment prior to the issuance of the bonds herein authorized or of any notes in anticipation of the sale of such bonds and such current funds in the amount of \$62,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "A-599 Central Fund Appropriated Fund Balance" and the Supervisor is hereby authorized and directed to set aside said current funds and apply the same solely to said class of objects or purposes described in

Section 1 hereof.

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

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

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

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

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

(b) the provisions of the law which should be complied with at the date of the publication of such resolution, are not substantially complied with

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

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

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

B I D S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 18 - July 23, 1979</u>		
2	Highway - Diesel and various oils, etc. for Town of Chktg.	1
3	Highway - Snow plow blades, wing blades, cutting edges, etc.	1
<u>Meeting No. 19 - August 6, 1979</u>		
2	Engineering - Installation of corrugated beam guide railings.	1
3	Recreation - Football equipment (See Item No. 52).	1

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 19 - August 6, 1979</u>	
4	Proposal to enact "Sanitary Landfill Ordinance".	1

* * * * *
R E S O L U T I O N S
* * * * *

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 18 - July 23, 1979</u>		
4	Decision on Variance to Noise Ordinance.	1
5	Decision on Amendment to Traffic Ordinance - Art. XIII: "Truck Exclusions" (Bay Lane, Moorman Drive).	1-2
6	Decision on Amendment to Zoning Ordinance - Arts. I, VI, IX, IV and XI.	3-5
7	Auth. for Supervisor to execute contract for Sale & Purchase of Real Property located at the N.W. corner of Towers & French Rd.	6-7
8	Acceptance of bank letter of credit for acceptance of highway in lieu of performance bond.	7
9	Acceptance of Woodside Lane as a Town Highway.	7-8
10	Issuance of Permit (Woodside Subdivision).	8-9
11	Acceptance of Coatesworth Subdivision, Part X.	9-10
12	Alexander Street Pedestrian Bridge.	10
13	Award of bid for culverts for Scajaquada Creek Project.	10-12
14	Award of bid for bridges for Scajaquada Creek Project.	12
15	Clean-up of property located on William St. between Starlite and Tamarck Court.	12
16	Appointment of Recreation Supervisor in Recreation Department.	12
17	Military Leave of Absence for Police Officer.	12-13
<u>Meeting No. 19 - August 6, 1979</u>		
5	Date change for first Town Board meeting in September.	2
6	Decision on Special Permit - Northwest corner of Union Rd. at William St.	2
7	Call for P.H. to amend Traffic Ordinance - Art. VIII: "Stop & Yield Intersections" (Autumnwood Dr.).	2-3
8	Adoption of "Mass Gatherings Ordinance".	4-5
9	Call for P.H. to consider adoption of "Environmental Impact Review Ordinance".	6-7
10	Call for P.H. to consider adoption of a "Cheektowaga Games of Chance Licensing Law".	8-9
11	Call for P.H. on proposal to amend "Dog License Fee Ordinance".	10-11
12	Resolution relative to maintenance of sidewalks replaced or re-constructed on Harlem Road by N.Y.S. - D.O.T.	12
13	Town of Cheektowaga participation in the Federal Surplus Property Program.	12
14	Approval of N.Y.S. Electric & Gas street lighting plan for Woodside Subdivision.	12-14
15	Appointment of appraiser re: Purchase of property at Towers Blvd. and French Road.	14
16	Engineering - Approval of payment to architectural firm relative to Town Hall Renovation Project.	14
17	Engineering - Approval of change order re: Buffalo Sewer Authority Construction Project in Sewer Dist. No. 5.	14-15
18	Engineering - Emergency sewer repairs in San. Sewer Dists. # 3 and # 5.	15
19	Engineering - Adv. for bids for installation of pipe and furnishing & installation of other related material for Autumnwood, Part III, Drainage Project.	15-16

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 19 - August 6, 1979 Cont'd.</u>	
20	Highway Dept. - Award of bids for diesel fuel oil, motor oils, etc.	17-18
21	Highway Dept. - Award of bids for snow plow blades, wing blades, grader blades, etc.	18-19
22	Auth. for member of Traffic Safety Commission to attend annual convention in Binghamton, NY.	19
23	Youth Bureau - Auth. for Executive Director and Work Experience Coordinator to attend Job Development Workshop in White Plains, NY.	19
24	Youth Bureau - Town of Chktg. Proclamation: "A Week for Children", August 20th through 25th, 1979.	19-20
25	Seasonal replacements - Youth Bureau, Sanitation Dept.	20
26	Appointment of Dog Enumerators for 1980 Dog Census.	20-21
27	Appointment of Clerk-Typist in the Assessor's Office.	21
28	Leave of Absence for Switchboard Operator.	21
29	Leave of Absence for employee in Facilities Dept.	21
30	Transfer of Funds.	22
31	Warrant List.	22

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 18 - July 23, 1979</u>	
18	Building Permits.	13
	<u>Meeting No. 19 - August 6, 1979</u>	
32	Supervisor's Statement of Funds - April, 1979.	22
33	Supervisor's Statement of Funds - May, 1979.	22

 GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 18 - July 23, 1979</u>		
19	N.Y.S. Dept. of Transportation - Notice of P.H. on proposed increased fares by Niagara Scenic Bus Lines, Inc.	13
20	Board of Fire Commissioners, Pine Hill Fire Dist. #6 - Letter regarding construction of hydrant at Chktg. Recreation Center.	13
21	Copy of resolution from meeting of July 2, 1979 and letter from owner of property at 43 Rosedale.	13
22	Resolution from Town of Lancaster approving application for variance.	13
23	Notice of Claim - Mr. & Mrs. Richard Schmitt & Lisa Schmitt vs. Town of Cheektowaga.	13
24	Letter regarding property at 30 Mafalda Drive.	13
<u>Meeting No. 19 - August 6, 1979</u>		
34	Senator Dale M. Volker - Copy of bill, memorandum and veto message re: Increased suburban representation on Board of Bflo. Sewer Authority.	22
35	Senator Daniel P. Moynihan - Acknowledging receipt of resolutions re: Human Life Amendment & Advanced Wastewater Treatment.	23
36	Richard R. Anderson, Erie Cty. Legislator - Acknowledging receipt of resolution re: Federal payment of Advanced Wastewater Treatment and increased State O and M aid.	23
37	N.Y.S. Dept. of Audit & Control - Acknowledging receipt of resolution re: Extension of Cleveland Hill Fire Dist. #6.	23
38	N.Y.S. Environmental Health Services - Copy of approval permit to Erie County Water Authority re: Waterline Extension, Coatesworth Subdivision, Part 10.	23
39	Erie County Dept. of Public Works - Copy of completed sign permit: Walden Avenue, CR #244.	23
40	Erie County Dept. of Public Works - Correspondence re: Town participation in the Mutual Aid Snow Removal Program.	23
41	Erie County Water Authority - Not. to Bidders for installation of iron pipe between Ridge Park Ave. & Alexander Ave., Town of Chktg. (bid opening 8/7/79 at 9:45 a.m.).	23
42	International Cable - Application for rate increases.	23
43	Suburban Bflo. Chapter, Deborah Hospital - Request permission to conduct annual campaign in Town of Chktg.	23
44	Cystic Fibrosis Research Foundation - Urge Town support in Cystic Fibrosis "Breath of Life" campaign.	23
45	Notice of Claim - Arthur & Bertha Smith vs. County of Erie and Town of Chktg.	23
46	Board of Fire Commissioners, Doyle Fire Dist. #1 - Adoption of resolution re: Town providing gasoline to Fire Dist. only in emergency situations.	23
47	Sloan Village Board of Trustees - Correspondence re: Town Board resolution of 8/21/78 requesting payment from Village of Sloan for rental of Town Highway equipment.	24
48	Residents of Nassau Lane, Bahama, Kingston, Honduras, Panama, St. Lucia, Nantucket W. and Nantucket E. - Petition requesting Town Board to rescind amendment to Traffic Ordinance adopted 9/7/78 re: One-side parking.	24
49	Samuel W. Tadio - Correspondence and resolution relative to Supervisory term of office.	24

GENERAL COMMUNICATIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 19 - August 6, 1979 Cont'd.</u>	
50	K.W. Kitzinger, snow removal from private drives and sidewalks.	24
51	H.J. Sitarek, weight limit, dumping behind property and building up bank of Cayuga Creek.	24

S U S P E N S I O N O F R U L E S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 18 - July 23, 1979</u>	
25	Amend wage scale for Law Assistant in Town Attorney's Office.	14
	<u>Meeting No. 19 - August 6, 1979</u>	
52	Recreation Dept. - Readvertise for bids for Football Equipment.	24-25
53	Approval of temporary holding tank system for International Harvester Company located at 2425 Walden Avenue.	26

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, corner of Broadway and Union Road, in said Town on the 23rd day of July, 1979 at 1:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Robert Miller, Deputy Town Attorney; Theodore DeFedericis, Chief of Police; Chester L. Bryan, Town Engineer; Alfred Wnek, Town Highway Superintendent; Ken Kopacz, Executive Director of the Youth Bureau; Sal LaGreca, Assistant Manpower Program Director I; Mrs. Julia Reinstein, Town Historian.

I. BIDS

Item No. 2 Highway Department - Diesel and various oils, etc. for the Town of Cheektowaga.

Bids referred to Alfred Wnek, Highway Superintendent.

Item No. 3 Highway Department - Snow plow blades, wing blades, cutting edges, etc.

Bids referred to Alfred Wnek, Highway Superintendent.

II. RESOLUTIONS

Item No. 4 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the Buffalo Trap and Field Club, Inc. has made application and requested a variance from the Noise Ordinance (Ordinance No. 17, as amended) for property located at Cayuga and Phillips Roads, in the Town of Cheektowaga, New York for August 4, 1979, and

WHEREAS, a public hearing was held on July 16, 1979 at which hearing all interested persons and citizens were given an opportunity to be heard, now, therefore, BE IT

RESOLVED that a variance from the Noise Ordinance (Ordinance No. 17, as amended) be granted to the Buffalo Trap and Field Club, Inc. for August 4, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 5 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, this Town Board duly held a public hearing on the 16th day of July, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published

Item No. 5 Cont'd.

as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE XIII

Truck Exclusions

Section 130. Trucks over five tons excluded.

Trucks in excess of five (5) tons are hereby excluded from the following highways within the Town of Cheektowaga, Erie County, State of New York:

BAY LANE - from CRANDON BOULEVARD to SURFSIDE PARKWAY

MOORMAN DRIVE - from STANISLAUS AVENUE to BAY LANE

Section 2. Time to take effect.

(a) This amendment shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the EXAMINER, a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

Item No. 6 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Building and Plumbing Inspector, the Planning Board and the Code Review Committee of the Town of Cheektowaga have recommended that certain provisions of the "Zoning Ordinance of the Town of Cheektowaga, New York" be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Zoning Ordinance, and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 16th day of July, 1979 at 7:00 o'clock P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard; and

WHEREAS, it is in the public interest to amend the "Zoning Ordinance of the Town of Cheektowaga, New York" as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the "Zoning Ordinance of the Town of Cheektowaga, New York" be, and the same hereby is, amended and changed as follows:

AMENDMENTS TO ZONING ORDINANCE

1. (a) RESOLVED THAT ARTICLE 1 - GENERAL PROVISIONS, Section 1-50, which defines various signs, shall be amended by the enactment of a new subsection 1-55 thereunder to read as follows:

1-55 Portable Signs - shall include all movable signs, banners or similar advertisements of a temporary nature, not included as conforming accessory uses, and particularly signs mounted on trailer-like wheels or skids.
(See 90 day permit procedure - Section 6-033).

(b) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL USE REGULATIONS, Section 6-03, which relates to Accessory "Business" Signs in C or M Districts, shall be amended by the enactment of a new subsection 6-033 thereunder to read as follows:

6-033 - Portable Signs - Portable (non-flashing) temporary sign (s), banner(s) or similar advertisement(s) to non-profit, charitable or religious events may be allowed upon receipt of a non-renewable permit issued by the Town Building Inspector's Office for a period not to exceed ninety (90) days. Such temporary use shall conform to all other regulations of this Ordinance, including setback from public street.

(c) RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 9-122 (a), which relates to the issuance of Special Permits by such Board, shall be amended by the inclusion therein, after the words "Temporary structures or uses", the phrase "(NOT INCLUDING SIGNS) -"

2. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 4-11 A. 9.(c), which relates to the principal permitted uses in a General Manufacturing District, and which reads:

"(c) Automobile laundries or automatic car wash subject to Section 6-01 and 6-05."

shall be deleted as a principal permitted use in M2-General Manufacturing District, and added as a new principal permitted use under subdivision 11. in the CM-General Commercial District, as follows:

"(h) Automobile laundries or automatic car wash subject to Section 6-01 and 6-05."

3. (a) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL REGULATIONS, subsection 6-05 A, which relates to Surfacing of automotive use areas, and which

Item No. 6 Cont'd.

presently reads:

"A. Surfacing - Every automotive use area and access driveway thereto shall be surfaced with a durable and dustless material and shall be so graded and drained so as to dispose of surface water accumulation as approved by the Town Engineer."

shall be amended by deleting the words "a durable and dustless material", and by substituting therefor the words "Bituminous Macadam or Concrete."

(b) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL REGULATIONS, subsection 6-05 C, which relates to Screening of automotive use areas, and which presently reads:

"C. Screening - Every automotive use area, except off-street parking areas for less than five (5) vehicles, shall be screened from any adjoining lot in any R District, including lots situated across the street, as follows:

1.

2. Along a rear lot or an interior side lot line which abuts an existing or future rear yard or side yard on such adjoining lots, by a compact evergreen hedge which will reach a height of 5 feet within three years, or by a solid fence or an unpierced masonry wall 5 feet in height."

shall be amended by deleting the words "by a compact evergreen hedge which will reach a height of 5 feet within three years or."

4. RESOLVED THAT ARTICLE XI - DEFINITIONS, Section 11-10 definition of "Family" shall be repealed; and that a new definition of "Family" be enacted to read as follows:

"Family. One or more persons related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single housekeeping unit; provided, however, that temporary gratuitous guests or roomers, not in excess of the number allowed as an accessory use by this Ordinance, may be permitted."

5. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS Section 4-11 A. 9., which relates to the principal permitted uses in a M2-General Manufacturing District "after receiving a Special Permit from the Town Board", shall be amended by the enactment of a new subdivision (e) thereunder, as follows:

(e) Solid waste transfer station, as those terms are defined in the Environmental Conservation Law of the State of New York and in the rules and regulations adopted and promulgated by the State Department of Environmental Conservation, provided satisfactory proof is presented to the Town Board of compliance with any and all requirements of Article 27 of the Environmental Conservation Law of the State of New York relating to the collection, treatment and disposal of refuse and solid waste.

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on July 23, 1979; and that a certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Zoning Ordinance" of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their 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 their passage and entry into the minutes.

Item No. 6 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

ATION

Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

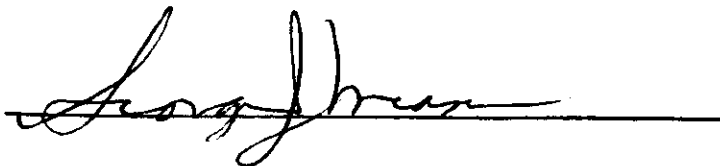
5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.

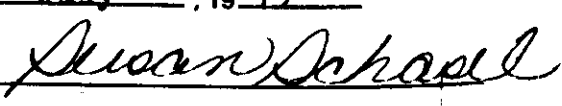
.....George J. Measer.....
being duly sworn, deposes and says that he is the
.....Publisher..... of the
.....Cheektowaga News....., a
public newspaper published at
.....Williamsville....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for1..... weeks, the first
insertion being on the ..26th day of ..July.....,
19..79., and the last insertion being on the ..same..
day of, 19......

Subscribed and sworn to before me this 26th day

of July, 19 79



Susan Schasel
Notary Public in and for Erie County



• SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980.....

Form No. 1

**EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
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 Roads, in said Town on the 23rd day of July, 1979 at 1:00 o'clock p.m. Eastern Daylight Saving Time there were:

- PRESENT:**
Supervisor
Kenneth J. Meyers
Councilman
Frank E. Swiatek
Councilman
Thomas M. Johnson, Jr.
Councilman
Frank J. Dux
Councilman
George Kaczmarek
Councilman
James R. Burst
Councilman
Donald J. Wegner
ABSENT: 0

Motion by Councilman Wegner
Seconded by Councilman Johnson

WHEREAS, the Building and Plumbing Inspector, the Planning Board and the Code Review Committee of the Town of Cheektowaga have recommended that certain provisions of the "Zoning Ordinance of the Town of Cheektowaga, New York" be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Zoning Ordinance, and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall,

corner of Broadway and Union Road, Cheektowaga, New York on the 16th day of July, 1979 at 7:00 o'clock P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard; and

WHEREAS, it is in the public interest to amend the "Zoning Ordinance of the Town of Cheektowaga, New York" as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the "Zoning Ordinance of the Town of Cheektowaga, New York" be, and the same hereby is, amended and changed as follows:

**AMENDMENTS TO
ZONING ORDINANCE**

1. (a) RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 1-50, which defines various signs, shall be amended by the enactment of a new subsection 1-55 thereunder to read as follows:

1-55 Portable Signs - shall include all movable signs, banners or similar advertisements of a temporary nature, not included as conforming accessory uses, and particularly signs mounted on trailer-like wheels or skids. (See 90 day permit procedure - Section 6-033).

(b) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL USE REGULATIONS, Section 6-03, which relates to Accessory "Business" Signs in C or M Districts, shall be amended by the enactment of a new subsection 6-033 thereunder to read as follows:

6-033 - Portable Signs - Portable (non-flashing) temporary sign(s), banner(s) or similar advertisement(s) to non-profit, charitable or religious events may be allowed upon receipt of a non-renewable permit issued by the

Town Building Inspector's Office for a period not to exceed ninety (90) days. Such temporary use shall conform to all other regulations of this Ordinance, including setback from public street.

(c) RESOLVED THAT ARTICLE IX - BOARD OF APPEALS, Section 9-122(a), which relates to the issuance of Special Permits by such Board, shall be amended by the inclusion therein, after the words "Temporary structures or uses," the phrase "(NOT INCLUDING SIGNS) -"

2. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS, Section 4-11 A. 9.(c), which relates to the principal permitted uses in a General Manufacturing District, and which reads:

"(c) Automobile laundries or automatic car wash subject to Section 6-01 and 6-05." shall be deleted as a principal permitted use in M2-General Manufacturing District, and added as a new principal permitted use under subdivision 11. in the CM-General Commercial District, as follows:

"(h) Automobile laundries or automatic car wash subject to Section 6-01 and 6-05."

3. (a) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL REGULATIONS, subsection 6-05 A, which relates to Surfacing of automotive use areas, and which presently reads:

"A. Surfacing - Every automotive use area and access driveway thereto shall be surfaced with a durable and dustless material and shall be so graded and drained so as to dispose of surface water accumulation as approved by the Town Engineer."

shall be amended by deleting the words "a durable and dustless material", and by substituting therefor the words "Bituminous Macadam or Concrete."

(b) RESOLVED THAT ARTICLE VI - SUPPLEMENTAL REGULATIONS, subsection 6-05 C, which relates to Screening of automotive use areas, and which presently reads:

"C. Screening - Every automotive use area, except off-street parking areas for less than five (5) vehicles, shall be screened from any adjoining lot in any R District, including lots situated across the street, as follows:

1.
2. Along a rear lot or an interior side lot line which abuts an existing or future rear yard or side yard on such adjoining lots, by a compact evergreen hedge which will reach a height of 5 feet within three years, or by a solid fence or an unpierced masonry wall 5 feet in height."

shall be amended by deleting the words "by a compact evergreen hedge which will reach a height of 5 feet within three years or."

4. RESOLVED THAT ARTICLE XI - DEFINITIONS, Section 11-10 definition of "Family" shall be repealed; and that a new definition of "Family" be enacted to read as follows:

"Family. One or more persons related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single housekeeping unit; provided, however, that temporary gratuitous guests or roomers, not in excess of the number allowed as an accessory use by this Ordinance, may be permitted."

5. RESOLVED THAT ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS Sec-

tion 4-11 A. 9., which relates to the principal permitted uses in a M2-General Manufacturing District "after receiving a Special Permit from the Town Board", shall be amended by the enactment of a new subdivision (e) thereunder, as follows:

(e) Solid waste transfer station, as those terms are defined in the Environmental Conservation Law of the State of New York and in the rules and regulations adopted and promulgated by the State Department of Environmental Conservation, provided satisfactory proof is presented to the Town Board of compliance with any and all requirements of Article 27 of the Environmental Conservation Law of the State of New York relating to the collection, treatment and disposal of refuse and solid waste.

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on July 23, 1979; and that a certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "Zoning Ordinance" of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their 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 their passage and entry into the minutes.

Upon roll call - Supervisor

Meyers Voting Aye; Councilman Swiatek Voting AYE; Councilman Johnson Voting AYE; Councilman Dux Voting AYE; Councilman Kaczmarek Voting AYE; Councilman Burst Voting AYE; Councilman Wegner Voting AYE.

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on July 23, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6, inclusive, of said book.

2. I have compared the attached extract with said minutes as recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 23rd day of July, 1979.

(SEAL)

Richard M. Moleski
Town Clerk

July 26

ICATION

IONS Inc.

nce Bee Lancaster Enterprise
heektowaga Bee

FREET,
N.Y. 14221
2-4700

George J. Pearson

being duly sworn, deposes and says that he is the

Publ.isher

of the

Cheektowaga Town

public newspaper published at

Williamsville, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 26th day of July

19 79, and the last insertion being on the same

day of , 19

Subscribed and sworn to before me this

26th

day

Item No. 7 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, Towers Boulevard is a Town highway which intersects French Road, and

WHEREAS, it appears that traffic safety would be enhanced and improved by relocating a portion of Towers Boulevard so that it is in line with Nancy Place which runs southerly from the south side of French Road, and

WHEREAS, it appears that a signal at the intersection of Towers Boulevard and French Road may be of value in improving the traffic safety at the intersection of French Road, Towers Boulevard and Nancy Place, and

WHEREAS, in order to straighten said Towers Boulevard as aforesaid, it is necessary that the Town acquire ownership to a portion of land located at the northwest corner of Towers Boulevard and French Road which premises are more particularly described in Exhibit A which is attached hereto and made a part hereof, and

WHEREAS, the Town has called for an appraisal of said premises and said appraisal has been received by the Town, and

WHEREAS, the owner of said premises has indicated his willingness to sell said premises to the Town for not more than the appraised value thereof, and

WHEREAS, a Contract for Sale and Purchase of Real Property has been prepared for the purchase of said property, and

WHEREAS, a resolution dated April 3, 1978 has authorized the purchase of said property from Bella Vista Apartments, Inc. for the sum of \$11,500.00; said price being not more than the appraised value of said premises, now, therefore, BE IT

RESOLVED that the Supervisor be and is hereby authorized to execute said Contract for Sale and Purchase of Real Property on behalf of the Town.

*See next page for description of property.

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 $\#$ 94, Township 10 and Range 7 of the Buffalo Creek Reservation, described as follows:

Beginning at the point of intersection of the north line of French Road (sixty-six (66) feet wide) and the west line of Towers Boulevard (sixty (60) feet wide): thence west along the north line of French Road one hundred fifty-seven and ninety-four hundredths (157.94) feet to a point: thence north along a line one hundred thirty-seven (137) feet to the southwest corner of subdivision lot $\#$ 49, Map Cover $\#$ 2248: thence east along the south line of said subdivision lot $\#$ 49, one hundred thirteen and forty-four hundredths (113.44) feet measured to a point in the west line of Towers Boulevard: thence south along a curve to the left whose radius is two hundred eighteen and nine hundredths (218.09) feet, fifty-seven and eighty-nine hundredths (57.89) feet to a point of reverse curve: thence continuing along a curve to the right whose radius is one hundred thirty-two and nine hundredths (132.09) feet, eighty-one and eighty-three hundredths (81.83) feet to the point of tangent: thence south three and thirty-five hundredths (3.35) feet to the point of beginning.

6A-94-1 CM 2288-Arb.D

Lot 94 Blvd 18280 *Page 34*

Item No. 7 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, it has been the policy of the Highway Superintendent that developers who seek the acceptance of their highways by the Town submit a Maintenance Bond to ensure that the highway is properly built and remains in good condition for at least a period of two years after its acceptance, and

WHEREAS, some municipalities allow developers in such cases to furnish a bank Letter of Credit to the Town for the same purposes, and

WHEREAS, the Highway Superintendent has recommended to the Town Board that a bank Letter of Credit would be acceptable to him for the purpose of accepting a highway and ensuring proper construction and maintenance for a period up to two years after acceptance, therefore, BE IT

RESOLVED that the Highway Superintendent be and is hereby authorized to accept bank letters of credit in proper form as a prerequisite for the acceptance of a highway by said Highway Superintendent for the purposes of ensuring that the said highway is properly built and maintained by the developer for a period of two years after acceptance of same by the Town Highway Superintendent.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Kaczmarek, seconded by Councilman Dux

BE IT RESOLVED that the following named highway, as more particularly described in the letter of the Highway Superintendent attached hereto and made a part hereof, be accepted as set forth in the letter:

WOODSIDE LANE

and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to record the Deed in connection with the above acceptance in the Erie County Clerk's Office.

*See next page for copy of letter.

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: 683-4775

ROBERT KARASZEWSKI
Deputy Superintendent



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

July 9, 1979

Honorable Kenneth J. Meyers, Supervisor
Honorable Members of the Town Board
Town of Cheektowaga, New York

RE: Woodside Subdivision - Acceptance
of Woodside Lane as Town Highway

Gentlemen:

The Highway Department Engineer and I have inspected Woodside Lane and find that this street has been built as per our specifications, as described below:

WOODSIDE LANE: Beginning from a point in the west line of Borden Road, westerly for a distance of 550' to the center of a 60"(radius), cul-de-sac. Fronting sublots 1 thru 12 inclusive.

It is further required that a tree must be planted in front of each new house in this subdivision, by the builder.

As the bond and deed are on file, I hereby recommend the acceptance of the above street into our system of highways.

Very truly yours,
TOWN OF CHEEKTOWAGA

Alfred F. Wnek
Superintendent of Highways

AFW/mss

Copies: C. L. Bryan, Town Engineer
R. Moleski, Town Clerk
J. Rogowski, Town Attorney
R. Marten, Bldg. Inspector
T. Skowron, Highway Engineer
Files

RECEIVED

JUL 10 1979

Richard M. Moleski, Town Clerk

"When better roads are built — Cheektowaga will build them"

Item No. 9 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, the owner of the Woodside Subdivision, Map Cover 2414, located on the west side of Borden Road between Como Park Blvd. and Losson Road wishes to construct homes on Sublots 2, 3, 4 and 7 prior to completion and acceptance of the water line, AND

WHEREAS, the sanitary sewers, storm sewers, highway and curbing have been installed and completed, AND

WHEREAS, a copy of the agreement between the owner and the Erie County Water Authority is attached and made a part of this resolution hereto, as required by the Building and Zoning Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that a building permit be issued for said Sublots 2, 3, 4 and 7 of Map Cover 2414 to allow the start of the construction of homes prior to the construction of said water line.

*See next few pages for copy of agreement.

ERIE COUNTY WATER AUTHORITY

MAIN EXTENSION AGREEMENT

(Builder-Contractor-Developer)

The ERIE COUNTY WATER AUTHORITY, a public benefit corporation created and existing under the laws of the State of New York, with its principal office at 350 Ellicott Square Building, Buffalo, New York, 14203, hereinafter called the "Authority", and EDWARD LEPCZYK, 125 Zurbrick Road, Village of Depew, County of Erie and State of New York, hereinafter called the "Applicant", agree as follows:

1. This Agreement is made pursuant to Subdivision 10, Section 1054 of the Public Authorities Law and Title 10.00, "Extensions of Mains", of the Erie County Water Authority's Rules for the Sale of Water and the Collection of Rents & Charges effective September 15, 1975.

2. The Applicant desires to install water mains, hydrants and appurtenances as follows:

Installation of approximately 875 L. F. of 8" DIP and one (1) hydrant in Woodside Subdivision, Town of Cheektowaga, County of Erie and State of New York, as shown on Erie County Water Authority drawing dated June 19, 1978, and identified as BCD 78-03, and more particularly described as follows:

3. The Applicant shall submit two (2) prints of subdivision drawings showing the proposed water main installation, hydrants and appurtenances to the Authority's Plan Review Section for review. One (1) print will be returned either approved or marked for correction. If corrections are required, two prints of the revised drawings shall be resubmitted to the Plan Review Section for review and approval. The same procedure shall be followed until the drawings are approved.

3A. If the Authority requires that a main greater than 8 inches in diameter be installed for the Authority's convenience in a subdivision, the Authority will install the main. The Applicant (Builder-Contractor-Developer) will be required to pay the Authority the cost of an 8-inch main for that section of main which provides service for the Applicant's (Builder-Contractor-Developer) subdivision. Applicant will deposit,

in advance, the estimated cost at the foot rate set forth in Section 2.05 of the Authority's Rules. The Authority must receive payment set forth above and install said main before the Authority will provide service to the houses in the subdivision. In the event a water main or mains is (are) required to reach the subdivision, the Applicant shall deposit, in advance, the estimated amount to construct said main or mains. If the Applicant (Builder-Contractor-Developer) requires a main larger than an 8-inch for service to the subdivision, he shall install such main.

3b. Vacant lots in new subdivisions which are to receive water service from an existing main appropriate to the service requested will not be included in this Main Extension Agreement. Applications for these services are to be made individually as each structure is erected. These services will be installed by the Authority in accordance with the provisions of Title 4.00 of the Erie County Water Authority's Rules for the Sale of Water and the Collection of Rents and Charges.

4. After the Authority has approved the subdivision drawings, final approval of the subdivision drawings must be obtained from the Town, City or other appropriate governing body. Four copies and two sepias of the approved drawings shall then be submitted to the Authority for signature and stamp of approval. Two (2) copies of the signed and stamped drawings will be returned to the Applicant (Builder-Contractor-Developer) upon execution of the Main Extension Agreement.

5. The Applicant shall pay a fee for engineering, legal and administrative review. This fee shall be fifteen (\$15.00) dollars per lot with a minimum charge of one hundred and fifty (\$150.00) dollars and a maximum charge of seven hundred and fifty (\$750.00) dollars. Fifty (50%) percent of the review fee will be due and payable when the drawings are initially submitted to the Authority.

6. Prior to beginning installation of the water mains, hydrants and appurtenances, the Applicant shall provide the Authority with the following:

- a. Payment of the remaining fifty (50%) percent of the review fee. This sum to be paid upon execution of the Contract by the Applicant.
- b. Five (5) days advance written notice to the Authority of the starting date of construction.
- c. A Performance Bond and a Labor and Material Payment Bond equal to one hundred (100%) percent of the Authority's estimated cost of the total project on the Authority's forms as security for faithful performance of this contract and for the payment of all subcontractors performing labor on the project under this contract and persons furnishing materials in connection with this contract. The surety on such bond shall be a duly authorized surety company authorized to do business in New York State and satisfactory to the Authority.
- d. The Authority will approve the estimate of the construction cost of the main and appurtenances. This estimated cost will be used to determine the amount of the Maintenance and Performance Bonds and for all other legal and administrative purposes. The estimated cost shall include the furnishing and installing of the pipe, valves, hydrants, paving and all other appurtenances required to complete the work.
- e. Name and address of the professional engineer licensed in the State of New York, who will do the full time inspection, and who will, upon completion, certify the "As Built".

- f. Name and address of contractor who will be installing water mains, hydrants and appurtenances.
- g. Notarized affidavit from each manufacturer of materials that the materials to be incorporated in the construction of the water mains, hydrants and appurtenances shall meet the Authority's specifications. Copies of these specifications will be provided by the Authority.
- h. Three (3) copies of an Insurance Certificate upon the Authority's forms properly completed and executed.
- i. A certified copy of the resolution of the Town, City or other appropriate governing body authorizing and approving the installation of hydrants. Such resolution shall set forth that the Town, City or other appropriate governing body shall pay the annual rates for the hydrants to be installed as provided for in the Authority's Rules for the Sale of Water and the collection of Rents and Charges.

7. The Applicant's (Builder-Contractor-Developer) engineer shall conduct the required leakage and pressure test and the disinfection of the water mains and appurtenances. After the installation is completed, the Applicant (Builder-Contractor-Developer) shall contact the Authority's Distribution Department to arrange for a superficial inspection of the work. A representative of the Applicant (Builder-Contractor-Developer) and the Applicant's (Builder-Contractor-Developer) engineer shall be present during said inspection.

8. The Applicant shall arrange for bacterial tests by the Erie County Health Department and shall submit a certificate of their acceptance to the Authority.

9. Authority personnel shall direct the operation of valves on existing water mains during the required leakage and pressure tests and the disinfection of the water mains and appurtenances. If the mains and appurtenances should fail the pressure or leakage tests, the necessary corrective measures shall be taken and the tests repeated until satisfactory results are obtained. Upon completion of these tests, the mains shall be shut off and not placed into service until the County Health Department submits a Certificate of Acceptance and until all legal and administrative requirements have been satisfied and the work has been accepted by resolution of the Authority. The Authority will then turn on the mains, which have been accepted by the Authority, and service can begin.

10. Within four (4) weeks of the date the Erie County Health Department certificate of acceptance is received, and prior to acceptance by the Authority and to the date water service is begun, the Applicant (Builder-Contractor-Developer) shall provide the Authority with the following:

- a. Maintenance Bond in form satisfactory to the Authority and issued by a carrier satisfactory to the Authority in the amount of one hundred (100%) percent of the construction cost as estimated under paragraph 6d, of the water mains, hydrants and appurtenances. Said bond shall cover a period of twenty-four (24) months following completion of the installation of the water mains, hydrants and appurtenances. The completion date shall be established as the date of acceptance of the work by resolution of the Authority. The maintenance bond begins from the date of acceptance of completion of the project by the Authority.

- b. Statement, signed and sealed by the Applicant's (Builder-Contractor-Developer) engineer that all work involved in the installation of water mains, hydrants and appurtenances was completed in accordance with drawings approved by the Authority and in accordance with the Authority's specifications and are as shown on the "As Builts", and that all valves, hydrants, curb stops, and appurtenances are in satisfactory operating condition and that the Applicant's (Builder-Contractor-Developer) engineer provided full time resident inspection of the work.
- c. Hydrant cards completely filled out in accordance with the Authority's requirements.
- d. One (1) print and one (1) sepia of the record drawing, to a scale determined by the Authority, showing the constructed location of all mains with at least three readily identifiable ties to all fittings, valves, and services. The record drawing shall be marked "As-Built" and shall be dated and bear the seal and license number of the Applicant's (Builder-Contractor-Developer) engineer. The Applicant's (Builder-Contractor-Developer) engineer shall certify by seal and signature that he has measured or has supervised the measurements of all dimensions shown on the "As-Built" drawing.
- e. A cost estimate and Bill of Sale to the Authority for the water mains, hydrants, valves and appurtenances installed. The Bill of Sale shall include a completed "Schedule of Inventory Attached To Bill of Sale" on the form provided by the Authority.
- f. Affidavit by the Applicant, if the Applicant is a corporation verified by an officer thereof, that the Applicant is the sole and absolute owner and has the full right to sell and transfer the mains, hydrants, services and appurtenances; that the said mains, hydrants, services and appurtenances are fully paid for and are free and clear of all claims, mortgages, debts, or other encumbrances or claims of whatsoever kind or nature; that there are no judgments existing against said Applicant in any court, nor are there any replevins, attachments, or executions issued against said mains, hydrants, services and appurtenances now in force; nor has any petition in bankruptcy been filed by or against the Applicant.
- g. Payment in full at the current rates to the Authority for all water service connections required for the subdivision, which are reasonably expected to be completed within one year.
- h. All Applicants for main extensions shall execute and deliver, without cost to the Authority, Certificate of Title issued by a title company licensed by the State of New York and permanent easements or rights-of-way when necessary for the installation, operation and maintenance of water service connections, the main extensions, or subsequent additions thereto. In lieu of such permanent easements within the limits of streets, the Authority will accept certifications in writing from the proper officials of municipal corporations such street has been accepted and that a warranty deed to such street naming the municipality as grantee has been recorded.

11. Water service connections will be installed by the Authority at the time requested by the Applicant (Builder-Contractor-Developer). The Applicant (Builder-Contractor-Developer) shall make arrangements as herein prescribed for the water service connection and meter installation and payment.

12. The Applicant (Builder-Contractor-Developer) shall notify the Authority when customer service is desired at an individual premise so that a meter can be installed. If the Applicant (Builder-Contractor-Developer) fails to notify the Authority that a meter should be installed, he shall be required to pay three (3) times the monthly minimum charge for the size of meter to be installed for each month or part thereof that water has been used at the premise. This period of time will be calculated from the date of issue of the Certificate of Occupancy or the date of sale by the Applicant of said premises, whichever is earlier, to the date the meter is installed. Meter installations will be in accordance with the provisions of title 6.00 of the Erie County Water Authority's Rules for the Sale of Water and the Collection of Rents and Charges.

13. Before the Authority will install water service connections from a main, the main and appurtenances must be accepted by a resolution of the Authority and payment for all water service connections must be made to the Authority for all services which are reasonably expected to be completed within one year of the date of acceptance by the Authority.

14. At the completion of all the work, labor and service and installation of all materials, and after all of the conditions hereinabove set forth are complied with to the satisfaction of the Authority, the Authority agrees to accept said water mains, hydrants, services, appurtenances, etc.

15. Title to all water mains, hydrants, services and appurtenances shall vest in the Authority and the Authority shall provide service to Applicants in the same manner as if the mains were originally installed by the Authority. The mains laid or to be laid pursuant to this agreement shall be and remain the property of the Authority, its successors and assigns, and the Authority retains and shall have the right to extend any main installed by it pursuant to the terms of this agreement in or to other lands, streets or avenues.

16. No hydrant shall be used for any purpose other than the extinguishing of fires, periodic tests of the fire protection system or periodic drills by legally constituted fire companies, unless written authorization is given by the Authority. The Authority shall be notified in advance of the time of all tests, and drills, so that if desired the Authority may have a representative present.

17. The Authority reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs or extensions, or other purposes, and it is expressly agreed that the Authority shall not be liable for a deficiency or failure in the supply of water, or water pressure, or for any damage caused thereby, or by the bursting or breaking of any main or service pipe or any attachment to the Authority's property, other than through the gross negligence of the Authority. In the interest of public health the Authority will not permit its mains or services to be connected with any service pipe or piping which is

connected with any other source of water supply not approved by the Department of Health of the State of New York.

18. It is mutually understood and agreed:

- a. The mains laid or to be laid pursuant to this agreement shall be and remain the property of the Authority, its successors and assigns, and the Authority retains and shall have the right to extend any main installed by it pursuant to the terms of the agreement in or to other lands, streets or avenues, but the Applicant shall not by reason thereof be entitled to any repayment.
- b. Any authorized representative of the Authority shall have free access to the premises of the Applicant at any reasonable time for the purpose of reading the meter or inspecting said construction.
- c. Submetering. Only a Town, Village or legally constituted water district is permitted to resell water supplied by the Authority except as provided in Section 11.05 of the Authority's Rules for the Sale of Water and the Collection of Rents and Charges.
- d. Water service may be discontinued for the reasons enumerated in Title 2.36 of the Authority's Rules for the Sale of Water and the Collection of Rents and Charges.
- e. This extension shall be made in accordance with the provisions of the Authority's Rules for the Sale of Water and the Collection of Rents and Charges.

IN WITNESS WHEREOF, the parties hereto have duly caused their seals to be hereunto affixed and these presents to be signed by their duly authorized officers this 2ND day of JUNE, 1979

ATTEST:

William B. Jernigan
(SEAL)

By Edmund L. ...

ATTEST:

ERIE COUNTY WATER AUTHORITY

Secretary

By Chairman

(SEAL)

STATE OF NEW YORK)
COUNTY OF ERIE)

On the *7th* day of *June*, 197*7*, before me personally came, to me known to be the individual described in and who executed the foregoing instrument and duly acknowledged to me that (s)he executed the same.

Allan B. Jung
Notary Public
State of New York
ALLAN B. JUNG
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*80*

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this _____ day of _____, 197*7*, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at _____ in the _____ of _____, New York; that he is the Chairman of the ERIE COUNTY WATER AUTHORITY, the corporation named in the foregoing indenture; 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 a duly adopted resolution of the said Authority and that he signed his name thereto by like resolution.

Notary Public
State of New York

Item No. 10 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED, that the following named subdivision, as more particularly described in the letter of the Highway Superintendent attached hereto and made a part hereof, be approved as set forth in said letter:

COATSWORTH SUBDIVISION

PART X

and, BE IT FURTHER

RESOLVED, that as a condition of approval the subdivider is to provide the following:

- 1) An easement for cable television.
- 2) Street lighting at no expense to the Town, said lighting to include light standards, luminars, all wiring and underground feed and power. Lighting is to be provided according to New York State Electric and Gas plans.
- 3) Under the Public Improvement Permit the subdivider must pay towards construction and inspection and is to bond lighting, streets and curbing.

*See next page for copy of letter.

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: ~~XXXXXXXXXX~~
686-3450

ROBERT KARASZEWSKI
Deputy Superintendent



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227 .

July 20, 1979

Honorable Kenneth J. Meyers, Supervisor
Town Board Members
Town of Cheektowaga, New York

RE: Approval of construction plans
Coatesworth Part #10 Subdivision

Gentlemen:

Construction plans for this subdivision have been received and reviewed by the Town Engineer and myself and found to be acceptable as they meet current specifications as set forth by the Town of Cheektowaga.

The two new streets proposed for this subdivision are:

WOODGATE DRIVE (60' R.O.W.) + 1600'
THORNWOOD DRIVE (60' R.O.W.) + 1000'

I recommend that the construction plans for Coatesworth Part #10 be approved by your Honorable Body.

Very truly yours,
TOWN OF CHEEKTOWAGA

Alfred F. Wnek
Superintendent of Highways

AFW/mss

Copies: Town Board Members
C. L. Bryan - Town Engineer
John Rogowski - Town Attorney
Ron Marten - Bldg. Inspector
Ted Skowron - Highway Engineer
Richard Moleski - Town Clerk
Files

RECEIVED

JUL 20 1979

Richard M. Moleski, Town Clerk

"When better roads are built — Cheektowaga will build them"

Item No. 11 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, the Alexander Street Pedestrian Bridge has been removed as part of the Scajaquada Creek Flood Control Project, AND

WHEREAS, the Alexander Street Pedestrian Bridge has been utilized by area residents for access to the St. John Gualbert Church and School, the Alexander Street School and the Walden Avenue business district, AND

WHEREAS, residents of the Walden Avenue area have expressed an interest in having the bridge replaced after the completion of the flood control project, AND

WHEREAS, replacement costs of the Alexander Street Pedestrian Bridge are not included in the current bond authorization for the replacement of such similar structures, AND

WHEREAS, it has been deemed that the Town is not eligible for federal reimbursement for replacement of major road structures in the amount of \$744,590.13, NOW, THEREFORE, BE IT

RESOLVED that the Alexander Street Pedestrian Bridge be placed on the Town's official Capital Projects List for eventual replacement, and BE IT

FURTHER RESOLVED that the Town Community Development Coordinator, Jerome Gabryszak, be directed to investigate and monitor State and Federal grant and aid programs which may provide a source of funds to accomplish the replacement of the Alexander Street Pedestrian Bridge, and BE IT

FURTHER RESOLVED that certified copies of this resolution be forwarded to Congressman Jack Kemp, State Assemblyman Dennis Gorski, State Senator Dale Volker and Town Accountant John Malloy.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, Notice to Bidders was duly published for receipt of bids for the Scajaquada Creek Structure Replacement, and which bids were duly received and opened at the regular Town Board meeting of July 2, 1979, and

WHEREAS, said bids were referred to the consulting firm of McFarland-Johnson Engineers and the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter of the Town Engineer to the Town Board dated July 19, 1979, and

WHEREAS, said report recommended that the contract for the Scajaquada Creek culvert portion of the bid submission be awarded to Frank L. Ciminelli Construction Company, Inc., for the submission of the lowest total bid meeting the requirements of the specifications for culverts included in Groups A, B and C, NOW, THEREFORE, BE IT

RESOLVED that the contract for the construction of culverts under the bond resolution adopted May 15, 1978, authorizing the construction of culverts be and hereby is awarded to Frank L. Ciminelli Construction Company, Inc., 135 Manhattan Avenue, Buffalo, New York 14215, for the submission of the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

Item No. 13 Cont'd.

RESOLVED that the bid award in the amount of \$861,672.72 is for the construction of the Andres, Mildred, Toelsin (Group A) and the Cunard, Vegola (Group B) culverts, and BE IT FURTHER

RESOLVED that the bid award in the amount of \$294,006.79 for the construction of the Beryl, Broad Street and Chapel Avenue (Group C) culverts is awarded to Frank L. Ciminelli Construction Company, Inc. contingent upon availability of funds. From time to time, any portion of said Group C may be constructed to the extent of the amount of funds available at each interim funding period, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed and authorized to sign the contractual agreement with the Frank L. Ciminelli Construction Company, Inc.

*See next two pages for tabulation of bids.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

July 19, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Scajaquada Creek
Bridges & Culverts

Gentlemen:

At the regular Town Board Meeting of July 2, 1979, bids were received and opened for the construction of bridges and culverts to be funded under bond resolutions dated May 15, 1978. Seven (7) bidders submitted prices in three (3) groups. The specification required the bid award to be made on the total of all groups.

Group A - McNaughton Ave. Bridge, Rosewood Terr. Pedestrian Bridge, Parkedge (David) Pedestrian Bridge, Andres, Mildred and Toelsin Box Culverts

Group B - Central Blvd. Bridge, Cunard and Vegola Box Culverts

Group C - Broad, Chapel and Beryl Box Culverts

Bid totals are as follows:

<u>BIDDER</u>	<u>GROUPS A, B & C</u>	<u>GROUPS A & B ONLY</u>
Frank L. Ciminelli Construction Company, Inc.	\$2,129,961.96	\$1,835,955.17
Stimm Associates, Inc.	2,189,621.00	1,907,952.00
Oakgrove Construction Inc.	2,374,162.00	2,008,378.50
Nichter Associates, Inc.	2,444,348.80	2,069,332.25
Caradori Construction Co., Inc.	2,653,291.10	2,333,494.00
C.M.H. Co., Inc.	2,830,094.00	2,357,547.00
Amadori Construction Co., Inc.	3,243,961.65	2,740,647.00

The bond issue for the construction of bridges was in the amount of \$1,075,680.00. The lowest bid, as submitted by Frank L. Ciminelli Construction Company, Inc., for the bridges included in Groups A and B totaled \$974,282.41. If engineering, inspection, U.S. Army Corps of Engineers back charges and contingencies are added, then the total cost would be in excess of the bond issue. Award of the contract can be made as soon as the supplemental bond issue is in effect.

Supervisor and
Town Board Members

July 19, 1979

The bond issue for the reconstruction of culverts was in the amount of \$1,074,600.00. With the exception of Group C, box culverts, an award of contract for Groups A and B, box culverts, if awarded, will fall within the bond issue. It is recommended that the bid be awarded to Frank L. Ciminelli Construction Company, Inc., for the submission of the lowest bid for the following replacements included in Groups A and B. The three (3) culverts included in Group C can be awarded to the low bidder at such time as monies are available for anyone or all of the culverts.

Group A	-	Andres	\$ 152,471.45
		Mildred	176,431.63
		Toelsin	199,096.74
Group B	-	Cunard	170,161.21
		Vegola	<u>163,511.69</u>
		Total	\$ 861,672.72

McFarland-Johnson Engineers reviewed the bids and computed the cost attributed to each structure from the bid prices as submitted. They recommend that the bids be awarded to Frank L. Ciminelli Construction Company, Inc., for the submission of the total lowest bid price for bridges and culverts of Groups A, B and C. We concur with this recommendation and are submitting a resolution for your consideration at this time for the award of Group A and B culverts.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan

Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

Item No. 13 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 14 Award of bid for bridges for Scajaquada Creek Project.
Item Withdrawn.

Item No. 15 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located on William Street between Starlite Avenue and Tamark Court (Account No. 3-828), in the Town of Cheektowaga, New York and according to the Assessor's Office records is owned by John Michalik, residing at 395 Gold Street, Buffalo, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, now, therefore, BE IT

RESOLVED, that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, the position of "Recreation Supervisor" in the Recreation Department has previously been created, and

WHEREAS, said position has been posted for a period of ten (10) working days in accordance with the current bargaining agreement in effect between the Town of Cheektowaga and Local 1026, AFL-CIO, NOW, THEREFORE, BE IT

RESOLVED that Gary Grote, currently employed as a Junior Career Trainee under the CETA Program in the Recreation Department, being the most qualified applicant to bid on this position, be and hereby is appointed provisionally to the position of "Recreation Supervisor", at an annual salary rate of \$10,550.00; said appointment effective immediately, and BE IT FURTHER

RESOLVED that Mr. Grote's permanent appointment to said position is subject to his successfully passing a Civil Service Examination, to be held at a later date.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, John P. Huntz, a Police Officer in the Cheektowaga Police Department, has applied for Military Leave of Absence for August 2, 1979 to August 18, 1979, and his Order to report for military duty has been forwarded to the Town Clerk, and

WHEREAS, Section 242 of the Military Law of the State of New York allows a military leave for the purpose of reporting for military duty pursuant to

Item No. 17 Cont'd.

an Order up to a period of six months, and

WHEREAS, said Section 242 of the Military Law also provides for the payment of the salary of such public employee for a period of thirty (30) days while on said military leave duty, NOW, THEREFORE, BE IT

RESOLVED that John P. Huntz, a Police Officer in the Cheektowaga Police Department, be and hereby is granted a military leave of absence for August 2, 1979 to August 18, 1979, and BE IT

FURTHER RESOLVED that said John P. Huntz be paid his salary or other compensation while on such military leave, and that he is authorized to use his vacation time in the event said military leave exceeds the thirty (30) days allowed for as per Section 242.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 18 Building Permits.
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 19 N.Y.S. Dept. of Transportation - Notice of public hearing on proposed increased fares by Niagara Scenic Bus Lines, Inc.
Copies sent to Honorable Members of the Town Board and John V. Rogowski, Town Attorney; item received and filed.

Item No. 20 Board of Fire Commissioners, Pine Hill Fire District No. 6 - Letter regarding construction of hydrant at Cheektowaga Recreation Center.
Copies sent to Honorable Members of the Town Board and Chester L. Bryan, Town Engineer; item received and filed.

Item No. 21 Copy of resolution from meeting of July 2, 1979 and letter from owner of property at 43 Rosedale Drive.
Copies sent to Honorable Members of the Town Board, Andrew Schwenk-Sole Assessor and Ronald Marten-Building & Plumbing Inspector; item received and filed.

Item No. 22 Resolution from Town of Lancaster approving application for variance.
Copies sent to Honorable Members of the Town Board; item received and filed.

Item No. 23 Notice of Claim - Mr. & Mrs. Richard Schmitt & Lisa Schmitt vs. Town of Cheektowaga.
Copies sent to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Ed Leak-Recreation Director and Town Insurance Company; item received and filed.

Item No. 24 Letter regarding property at 30 Mafalda Drive.
Copy sent to Ronald Marten, Building and Plumbing Inspector; item received and filed.

Motion by Councilman Swiatek, seconded by Councilman Johnson to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 25 Amend Wage Scale for Law Assistant in Town Attorney's Office

Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the Town Board by resolution dated May 21, 1979 hired Kevin Schenk of 45 Southgate Road, Cheektowaga, New York as a seasonal law clerk in the Town Attorney's Office during the summer season at the rate of \$4.00 per hour, and

WHEREAS, said Kevin Schenk has since qualified for a work-study program which requires the Town to pay over to the Research Foundation, SUNY at Buffalo School, the sum of \$140.00 and the school shall pay said employee the sum of \$3.35 per hour directly on behalf of the Town from July 23, 1979 to approximately August 17, 1979 and provided further that the Town does not pay him any additional wages during said period of time, NOW, THEREFORE, BE IT

RESOLVED that the wages of Kevin Schenk shall be and hereby are changed to \$3.35 per hour from July 23, 1979 to August 17, 1979; and that his wages revert to \$4.00 per hour after August 17, 1979, and BE IT FURTHER

RESOLVED that the Town pay the Research Foundation - SUNY at Buffalo School the sum of \$140.00 pursuant to the work-study program.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Kaczmarek, seconded by Councilman Dux to adjourn the meeting.

RICHARD M. MOLESKI
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, corner of Broadway and Union Road, in said Town on the 6th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: Councilman Frank E. Swiatek

Also present were: Richard M. Moleski, Town Clerk; Robert Miller, Deputy Town Attorney; Theodore DeFedericis, Chief of Police; Chester L. Bryan, Town Engineer; Alfred Wnek, Highway Superintendent; Ron Zoeller, Foreman, Sanitation Department; Ron Marten, Building & Plumbing Inspector; Ed Leak, Recreation Director; Joan Dudek, Deputy Receiver of Taxes and Assessments; Sal LaGreca, Assistant Manpower Program Director I; Al Thrun, Cheektowaga Traffic Safety Commission; Dr. Louis Vendetti, Town Health Officer; Mrs. Julia Reinstein, Town Historian.

I. BIDS

Item No. 2 Engineering - Installation of corrugated beam guide railings.
Bids referred to Chester L. Bryan, Town Engineer.

Item No. 3 Recreation - Football equipment.
No bids received; see Item No. 52 (readvertise for bids).

II. PUBLIC HEARING

Item No. 4 This was the time and place advertised for a public hearing to consider the advisability of adopting and enacting a "Sanitary Landfill Ordinance" in the Town of Cheektowaga, New York. Said Ordinance regulates the establishment and operation of refuse disposal areas known as sanitary landfills, establishes minimum standards for the design and operation of a sanitary landfill for the disposal of solid wastes, authorizes the issuance of a license for the operation of a sanitary landfill, authorizes the inspection of a sanitary landfill operation, limits the materials that may be deposited in a sanitary landfill and files penalties for violations. A copy of the proposed "Sanitary Landfill Ordinance" is on file in the Town Clerk's Office where the same may be examined during regular business hours.

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor took a vote of citizens present relative to adopting said "Sanitary Landfill Ordinance" in the Town of Cheektowaga, New York. Results as follows: 22 - In Favor, 0 - Opposed. The Supervisor declared the hearing closed; decision was reserved.

III. RESOLUTIONS

Item No. 5 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the first regularly scheduled Town Board meeting in September should take place on Monday, September 3, 1979, and

WHEREAS, Monday, September 3, 1979 is a legal holiday, namely Labor Day, NOW THEREFORE BE IT

RESOLVED, that the date of the first regularly scheduled Town Board meeting in September is hereby changed to Tuesday, September 4, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 6 Decision on Special Permit - Northwest corner of Union Road at William Street.

Item Withdrawn.

Item No. 7 Motion by Councilman Johnson, seconded by Councilman Wegner

BE IT RESOLVED that a Public Hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 20th day of August, 1979 at 7:00 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA BEE, on the 9th day of August, 1979; said amendment being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 80. Stop intersections designated.

The following intersection is designated as a stop intersection and a stop sign shall be erected on the following entrance street.

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
AUTUMNWOOD DRIVE	East-West	BRENTWOOD DRIVE	Northbound	S.E. Corner

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI, TOWN CLERK

Dated: August 6, 1979

Item No. 7 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION

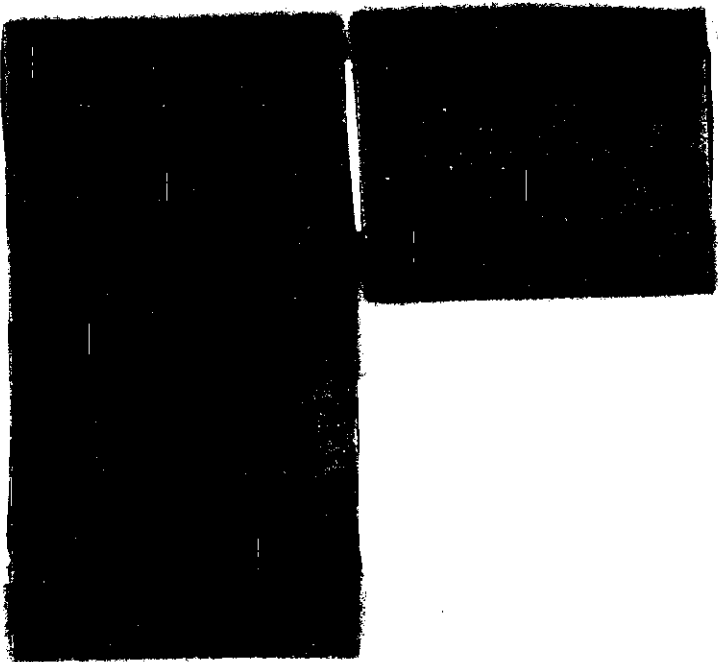


Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }



..... George J. Measer
being duly sworn, deposes and says that he is the
..... Publisher of the
..... Cheektowaga Bee , a
public newspaper published at Williamsville
..... , New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for one weeks, the first
insertion being on the 9th day of August
1979 , and the last insertion being on the same ...
day of , 19..... .

Subscribed and sworn to before me this 10th day
of August , 1979

Susan Schasel

Notary Public in and for Erie County Susan Schasel

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 8 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, this Town Board, at a regular meeting held on the 21st day of May, 1979, duly adopted a Resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, on the 4th day of June, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting and enacting a "MASS GATHERINGS ORDINANCE," and

WHEREAS, notice of said public hearing was duly published as required by law, not less than ten (10) days prior to the date of the hearing; and

WHEREAS, pursuant to said Resolution, a public hearing on said "MASS GATHERINGS ORDINANCE" was duly held by this Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York, on the 4th day of June, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time; and at which hearing all persons interested in the subject matter had an opportunity to be heard and were heard; and, at the conclusion thereof, this Town Board took the matter under advisement and has now determined that it is in the public interest to adopt and enact a "MASS GATHERINGS ORDINANCE."

NOW, THEREFORE, BE IT RESOLVED, that a "MASS GATHERINGS ORDINANCE" be, and the same hereby is, adopted and enacted, providing as follows:

*See next six (6) pages for copy of "MASS GATHERINGS ORDINANCE."

MASS GATHERINGS

Be it enacted by the Town Board of the Town of Cheektowaga as follows:

TITLE.

This law shall be known as the "Mass Gatherings Ordinance."

PURPOSE: APPLICABILITY.

The Cheektowaga Town Board, for the purpose of preserving the public peace and good order, preventing and suppressing riots, tumultuous assemblages, unnecessary crowds upon the public highways, unreasonably loud or disturbing noises and disorderly conduct within the Town of Cheektowaga and for the purpose of promoting the health, safety and general welfare of the community, including the protection and preservation of the property of the town and of its inhabitants and peace and good order, finds that it is in the public interest to enact this ordinance, which shall apply within the Town of Cheektowaga outside of the limits of the Villages of Depew and Sloan.

DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meanings herein indicated. Words in the present tense include the future; the singular number includes the plural; the masculine shall include the feminine; "shall" is mandatory, and "may" is permissive.

BUILDING - a structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.

MASS GATHERING - A gathering of more than one thousand (1,000) persons within a twelve-hour period at a gathering conducted essentially out-of-doors.

PERSON - Any individual, firm, company, association, society, corporation or group, but not including any corporation or association organized or conducted exclusively for religious, charitable, or educational purposes, or any municipal corporation or any department, agency or subdivision thereof, or any school district or other special improvement district.

(2)

STRUCTURE - A combination of materials to form a construction that is safe and stable and includes among other things, stadiums, stages, prop forms, radio towers, sheds, storage bins, tents, billboards, space signs, bleachers, ramps and seats.

PERMIT REQUIREMENTS.

A. No person shall use, allow, let or permit to be used land for a mass gathering, or hold or promote by advertising or otherwise a mass gathering, until a written permit authorizing such mass gathering has been issued by the Cheektowaga Town Clerk, after authorization of such permit by the Cheektowaga Town Board.

B. Application for such permit shall be by verified petition of the applicant, addressed to the Town Board and filed with the Town Clerk, at least sixty (60) days prior to the date of the mass gathering. The Town Board shall act upon the application within forty-five (45) days of such filing. Such application shall include the following information:

- (1) A statement of the name, age and residence address of the applicant, and, if the applicant is a corporation, the names and addresses of its directors and officers. If the applicant does not reside within the Town of Cheektowaga, the application shall state the name and address of an agent who shall be a natural person residing in or having a place of business in Erie County, New York, who is authorized by the applicant and who shall agree by verified statement to accept notices for summonses issued with respect to the application, the conduct of the mass gathering and the provisions of this ordinance.
- (2) A statement containing the name and address of the record owner of the property, and of any persons having the right to occupy said premises or any part thereof under a written lease, license or permit.
- (3) A statement of the proposed dates and hours of such mass gathering, the maximum dates and hours of such mass gathering, the proposed maximum number of persons who will be permitted to attend the mass gathering, the maximum proposed number of motor vehicles which will be permitted at said mass gathering at any one time and in total, the measures and facilities proposed to limit the number of persons attending to the maximum number proposed, the purpose of the mass gathering, the nature of any entertainment to be provided thereat and the names and addresses of any entertainers to be provided by the applicant or its agent and the admission fee to be charged, if any.

- (4). A survey of the premises upon which the mass gathering is to be conducted and of any premises to be used for motor vehicle parking or otherwise in connection therewith, together with a statement of the zoning district of such property, the names and addresses of the record owners of adjoining properties, the abutting streets or highways, showing the size and location of existing and proposed buildings or structures to be used in connection with said mass gathering, together with a statement or drawing to scale of the type and materials of each proposed or existing building or structure.
- (5). A plan or drawing to scale showing the method and manner in which :
 - (a) Sanitary facilities are to be provided for the disposal of sewage, garbage, trash and other debris.
 - (b) The method and manner of providing adequate and suitable off-street parking for motor vehicles for persons attending such mass gathering, including the layout of such parking area or areas, the surface or pavement thereof, the manner of designating parking spaces for individual motor vehicles and access drives, the proposed illumination planned for such areas, a statement of the proposed method of suppressing dust and a description of any maintenance equipment or vehicles.
- (6). A statement containing the type, size, wattage, number and location of any sound amplifier or loudspeaker, sound truck or other similar sound equipment.
- (7). A statement specifying the method of preparation, service and distribution of any foods and beverages to be prepared, sold or distributed at the mass gathering or in connection therewith by the applicant or his agents or licensees, together with a statement of the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If any food or beverage is to be prepared, sold, served, or distributed, a plan or drawing to scale must be attached to the application showing the buildings or structures from which the food or beverage is to be prepared, served, sold or distributed.
- (8). A statement specifying whether any private security guards or police will be engaged and, if so, the number and duties to be performed, including the hours to be worked and areas of responsibility, and their minimum employment qualifications.
- (9). A statement specifying the precautions to be utilized for fire protection, including a plan or drawing to scale specifying the location of fire lanes and water supply for fire control.

- (10). A statement specifying the facilities and personnel to be available for emergency treatment of any person who may require medical or nursing attention.

C. No permit shall be issued until a public hearing has been held by and before the Cheektowaga Town Board to consider such application. At least (10) ten days notice of the time and place of such hearing shall be published in the official newspapers of the Town of Cheektowaga.

D. No permit shall be issued until the Town Board shall find the following:

- (1) The application filed with the Town Clerk contains all of the information and attachments hereinbefore required.
- (2) Toilet facilities adequate in number and suitable in design are proposed for the mass gathering. Such facilities are to be so located as to be conveniently available and shall be so constructed and maintained that they will not be offensive. Such facilities shall be arranged to be separate for each sex.
- (3) Adequate provision is made for the collection and disposal of solid wastes, garbage and trash.
- (4) Adequate provision is made for off-street parking, including an adequate system of access drives with suitable surface or pavement and night illumination of the same with a safe and proper electrical supply and emergency electrical supply for such night illumination.
- (5) Adequate provision is made for the proper disposal of existing and reasonably potential surface water.
- (6) An adequate sound amplification system may be provided which will enable persons attending the mass gathering to hear transmissions therefrom without creating unreasonable noise on properties outside the mass gathering areas.
- (7) The facilities and plans for the preparation, service and distribution of foods and beverages to be sold or distributed at the mass gathering would provide an adequate and sanitary supply of wholesome food to the persons reasonably expected to attend said mass gathering, and the method of disposing of garbage, trash, rubbish and other refuse therefrom is adequate to prevent hazard to health and nuisance on the premises or on adjoining premises.

(5)

- (8) The applicant's plan for providing private security guards or police is adequate in the number of security guards or police to be provided, the minimum employment qualifications of such guards or police and the hours during which the same will be present -at the site of the mass gathering.
- (9) The applicant's outdoor lighting and illumination plan provides necessary lighting on the mass gathering premises without creating unreasonable illumination of adjoining premises and adjoining highways, and such plan includes adequate emergency electrical generating facilities on the premises in the event of a power failure.
- (10) The applicant's plan for emergency medical and nursing treatment is adequate.
- (11) The applicant has made adequate provision for fire prevention and fire protection.
- (12) Adequate provision is made by fencing to protect adjoining properties.
- (13) The mass gathering site is served by public highways sufficient in number and adequate in type and width to prevent unreasonable traffic congestion with the Town of Cheektowaga.
- (14) The proposed mass gathering would not unreasonably interfere with the rights of owners and occupants of adjoining and neighboring lands to reasonably use and enjoy such adjoining and neighboring lands, and such mass gathering would not create a public nuisance.

E. No permit shall be issued until all persons interested in the lands upon which such mass gathering is to be held shall furnish the town with written authorization for the town and its agents to go upon such property at any time from and after the filing of such application and until twenty (20) days after the end of such mass gathering for the purpose of inspecting such premises, the facilities provided and to be provided thereon and the cleaning of said premises and adjoining premises after the termination of the mass gathering. Such authorizations shall be irrevocable during such period.

F. No permit shall be issued until the applicant has executed acknowledged and delivered to the Town of Cheektowaga an agreement, in form approved by the Attorney for the town, to indemnify the town in connection with liability and claims arising from or in connection with such mass gathering.

G. Within five (5) days from the end of such mass gathering, all trash, papers, garbage and other waste material shall be removed

(6)

from the mass gathering premises, and such premises shall be restored to the same condition in which found at the time of the filing with the Cheektowaga Town Clerk of the application for such mass gathering. All trash, papers, garbage and other refuse shall be removed from the public highways within five (5) days of the termination of such mass gathering for a distance to be specified by the Town Board in the permit granted to the applicant.

H. The applicant shall post a bond suitable to the Town Board as to amount and surety to insure cleanup and restoration of the area at which such event takes place.

I. Any permit hereunder may be revoked by the Town Board, upon a finding that the applicant has failed to provide the facilities specified in its application or required by the town or in the event that the town shall find that the facilities to be provided by the applicant cannot be reasonably provided within the time remaining until the scheduled date of the mass gathering.

PENALTIES FOR VIOLATION.

Any person, group of persons, partnership, association, corporation, individually or collectively, who shall violate or aid in, take part in, or assist in the violation of, this law, shall be guilty of a violation and upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000.00) as to an individual and not exceeding five thousand dollars (\$5,000.00) as to a corporation.

SEVERABILITY.

Should any section or provision of this ordinance be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

WHEN EFFECTIVE.

This ordinance shall take effect immediately upon adoption, publication and posting as required by law.

Item No. 8 Cont'd.

BE IT FURTHER RESOLVED, that a copy of this Resolution, and the "MASS GATHERINGS ORDINANCE" be entered in the minutes, and published at least once in THE EXAMINER, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and

BE IT FURTHER RESOLVED, that the affidavit of such publication shall be filed with the Town Clerk.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposeth and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 9 day of August 1929 and ending on the (ex) day of (ex), 1929

Signed James Charters
Sworn to before me, on the 13
day of Aug., 1929
Arthur P. Small
Notary Public

CHARLES A. SMALL
Notary Public, State of New York
Qualified in this County
My Commission Expires March 28, 1931

536

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 Roads, in said Town on the 20th day of August, 1979, at 7:30 o'clock p.m. Eastern Daylight Saving Time, there were:

- Supervisor Kenneth J. Meyers
- Councilman Thomas M. Johnson, Jr.
- Councilman Frank J. Dix
- Councilman George Kaczmarek
- Councilman James K. Gural
- Councilman Donald J. Wegman

Present: Councilman Frank J. Dix, Councilman George Kaczmarek, Councilman James K. Gural, Councilman Donald J. Wegman, Supervisor Kenneth J. Meyers, Councilman Thomas M. Johnson, Jr. At a regular meeting held on the 21st day of August, 1979, duly adopted a Resolution relating to a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, on the 28th day of June, 1979, at 7:30 o'clock p.m. Eastern Daylight Saving Time, to consider the advisability of adopting and enacting a "MASS GATHERINGS ORDINANCE" and

RESOLVED, notice of said public hearing was duly published as required by law, not less than ten (10) days prior to the date of the hearing; and

RESOLVED, pursuant to said Resolution, a public hearing on said "MASS GATHERINGS ORDINANCE" was duly held by the Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York, on the 28th day of June, 1979, at 7:30 o'clock p.m. Eastern Daylight Saving Time, and at which hearing all persons interested in the subject matter had an opportunity to be heard and were heard; and, at the conclusion thereof, this Town Board find the matter under advisement and has now determined that it is in the public interest to adopt and enact a "MASS GATHERINGS ORDINANCE."

NOW, THEREFORE, BE IT RESOLVED, that a "MASS GATHERINGS ORDINANCE" be and the same hereby is adopted and enacted, providing as follows:

MASS GATHERINGS
As it enacted by the Town Board of the Town of Cheektowaga as follows:
TITLE
This law shall be known as the "Mass Gatherings Ordinance."
PURPOSE: APPLICABILITY.

the Cheektowaga Town Board, for the purpose of preserving the public peace and good order, preventing and suppressing riots, tumultuous assemblies, unnecessary crowds upon the public highways, unreasonably loud or disturbing noises and disorderly conduct within the Town of Cheektowaga and for the purpose of promoting the health, safety and general welfare of the community, including the protection and preservation of the property of the town and of its inhabitants and peace and good order, finds that it is in the public interest to enact this ordinance, which shall apply within the Town of Cheektowaga outside of the limits of the Villages of Depew and Sloan.

DEFINITIONS.
Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meanings herein indicated. Words in the present tense include the future; the singular number includes the plural; the masculine shall include the feminine; "shall" is mandatory, and "may" is permissive.

BUILDING - a structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.

MASS GATHERING - a gathering of more than one thousand (1,000) persons within a twelve-hour period at a gathering conducted essentially out-of-doors.

PERSON - Any individual, firm, company, association, society, corporation or group, but not including any corporation or association organized or conducted exclusively for religious, charitable, or educational purposes, or any municipal corporation or any department, agency or subdivision thereof, or any school district or other special improvement district.

STRUCTURE - A combination of materials to form a construction that is safe and stable and includes among other things, stadiums, stages, prop farms, radio towers, sheds, storage bins, tents, billboards, space signs, bleachers, ramps and seats.

PERMIT REQUIREMENTS.

A. No person shall use, allow, let or permit to be used land for a mass gathering, or hold or promote by advertising or otherwise a mass gathering, until a written permit authorizing such mass gathering has been issued by the Cheektowaga Town Clerk, after authorization of such permit by the Cheektowaga Town Board.

B. Application for such permit shall be by verified petition of the applicant, addressed to the Town Board and filed with the Town Clerk, at least sixty (60) days prior to the date of the mass gathering. The Town Board shall act upon the application within forty-five (45) days of such filing. Such application shall include the following information:

(1) A statement of the name, age and residence address of the applicant, and, if the applicant is a corporation, the names and addresses of its directors and officers. If the applicant does not reside within the Town of Cheektowaga, the application shall state the name and address of an agent who shall be a natural person residing in or having a place of business in Erie County, New York, who is authorized by the applicant and who shall agree by verified statement to accept notices for summonses issued with respect to the application, the conduct of the mass gathering and the provisions of this ordinance.

(2) A statement containing the name and address of the record owner of the property, and of any persons having the right to occupy said premises or any part thereof under a written lease, license or permit.

(3) A statement of the proposed dates and hours of such mass gathering, the maximum dates and hours of such mass gathering, the proposed maximum number of persons who will be permitted to attend the mass gathering, the maximum proposed number of motor vehicles which will be permitted at said mass gathering at any one time and in total, the measures and facilities proposed to limit the number of persons attending to the maximum number proposed, the purpose of the mass gathering, the nature of any entertainment to be provided thereat and the names and addresses of any entertainers to be provided by the applicant or its agent and the admission fee to be charged, if any.

(4) A survey of the premises upon which the mass gathering is to be conducted and of any premises to be used for motor vehicle parking or otherwise in connection therewith, together with a statement of the zoning district of such property, the names and addresses of the record owners of adjoining properties, the abutting streets or highways, showing the size and location of existing and proposed buildings or structures to be used in connection with said mass gathering, together with a statement or drawing to scale of the type and materials of each proposed or existing building or structure.

(5) A plan or drawing to scale showing the method and manner in which:

- (a) Sanitary facilities are to be provided for the disposal of sewage, garbage, trash and other debris.
- (b) The method and manner of providing adequate and suitable off-street parking for motor vehicles for persons attending such mass gathering, including the layout of such parking area or areas, the surface or pavement thereof, the manner of designating parking spaces for individual motor ve-

hicles and access drives, the proposed maintenance planned for such areas, a statement of the proposed method of suppressing dust and a description of any maintenance equipment or vehicles.

(6) A statement containing the type, size, wattage, number and location of any sound amplifier or loudspeaker, sound truck or other similar sound equipment.

(7) A statement specifying the method of preparation, service and distribution of any foods and beverages to be prepared, sold or distributed at the mass gathering or in connection therewith by the applicant or his agents or licensees, together with a statement of the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If any food or beverage is to be prepared, sold, served, or distributed, a plan or drawing to scale must be attached to the application showing the buildings or structures from which the food or beverage is to be prepared, served, sold or distributed.

(8) A statement specifying whether any private security guards or police will be engaged and, if so, the number and duties to be performed, including the hours to be worked and areas of responsibility, and their minimum employment qualifications.

(9) A statement specifying the precautions to be utilized for fire protection, including a plan or drawing to scale specifying the location of fire lanes and water supply for fire control.

(10) A statement specifying the facilities and personnel to be available for emergency treatment of any person who may require medical or nursing attention.

C. No permit shall be issued until a public hearing has been held by and before the Cheektowaga Town Board to consider such application. At least (10) ten days notice of the time and place of such hearing shall be published in the official newspapers of the Town of Cheektowaga.

D. No permit shall be issued until the Town Board shall find the following:

- (1) The application filed with the Town Clerk contains all of the information and attachments hereinbefore required.
- (2) Toilet facilities adequate in number and suitable in design are proposed for the mass gathering. Such facilities are to be so located as to be conveniently available and shall be so constructed and maintained that they will not be offensive. Such facilities shall be arranged to be separate for each sex.
- (3) Adequate provision is made for the collection and disposal of solid wastes, garbage and trash.

(4) Adequate provision is made for the proper disposal of existing and reasonably potential surface water.

(5) An adequate sound amplification system may be provided which will enable persons attending the mass gathering to hear transmissions broadcast without creating unreasonable noise on properties adjacent to the mass gathering area.

(6) The facilities and plans for the preparation, service and distribution of food and beverages to be sold or distributed at the mass gathering would provide an adequate and sanitary supply of wholesome food to the persons reasonably expected to attend said mass gathering, and the method of disposal of garbage, trash, rubbish and other refuse shall be adequate to prevent health and nuisance on the premises or on adjoining premises.

(7) The applicant's plan for providing private security guards or police is adequate in the number of persons, police or guards to be provided, the minimum employment qualifications of such guards or police and the hours during which persons will be present at the site of the mass gathering.

(8) The applicant's outdoor lighting and illumination plan provides adequate lighting in the mass gathering premises without creating unreasonable illumination of adjoining premises and adjoining highways, and such plan includes adequate emergency electrical generating facilities on the premises in the event of a power failure.

(9) The applicant's plan for emergency medical and nursing facilities is adequate.

(10) The applicant has made adequate provision for the prevention and fire protection.

(11) Adequate provision is made by fencing to protect adjoining properties.

(12) The mass gathering site is served by public highways sufficient in number and adequate in type and width to prevent unreasonable traffic congestion with the Town of Cheektowaga.

(13) The proposed mass gathering would not unreasonably interfere with the rights of owners and occupants of adjoining and neighboring lands to reasonably use and enjoy such adjoining and neighboring lands, and such mass gathering would not create a public nuisance.

(14) No permit shall be issued until all persons interested in the lands upon which such mass gathering is to be held shall furnish the town with written authorization for the town and its agents to go upon such property at any time from and after the filing of such application and until twenty (20) days after the end of such mass gathering for the purpose of inspecting such premises, the facilities provided and to be provided thereon and the cleaning of said premises and adjoining premises after the termination of the mass gathering. Such authorizations shall be irrevocable during such period.

(15) No permit shall be issued until the applicant has executed acknowledged and delivered to the Town of Cheektowaga an agreement, in form approved by the Attorney for the town, to indemnify the town in connection with liability and claims arising from or in connection with such mass gathering.

(16) Within five (5) days from the end of such mass gathering, all trash, papers, garbage and other waste material shall be removed from the mass gathering premises, and such premises shall be restored to the same condition in which found at the time of the filing with the Cheektowaga Town Clerk of the application for such mass gathering. All trash, papers, garbage and other refuse shall be removed from the public highways within five (5) days of the termination of such mass gathering for a distance to be specified by the Town Board in the permit granted to the applicant.

(17) The applicant shall post a bond available to the Town Board as to amount and surety to insure cleanup and restoration of the area at which such event takes place.

(18) Any permit hereunder may be revoked by the Town Board, upon a finding that the applicant has failed to provide the facilities specified in its application or required by the town or in the event that the town shall find that the facilities to be provided by the applicant cannot be reasonably provided within the time remaining until the scheduled date of the mass gathering.

PENALTIES FOR VIOLATION.

Any person, group of persons, partnership, association, corporation, individually or collectively, who shall violate or aid in, take part in, or assist in the violation of, this law, shall be guilty of a violation and upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000.00) as to an individual and not exceeding five thousand dollars (\$5,000.00) as to a corporation.

SEVERABILITY.

Should any section or provision of this ordinance be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

WHEN EFFECTIVE.

This ordinance shall take effect immediately upon adoption, publication and posting as required by law.

BE IT FURTHER RESOLVED, that a copy of this Resolution, and the "MASS GATHERINGS ORDINANCE" be entered in the minutes, and published at least once in the EXAMINER, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and

BE IT FURTHER RESOLVED, that the affidavit of such publication shall be filed with the Town Clerk.

- Upon roll call
- Supervisor Meyers
- Councilman Swiatek
- Councilman Johnson
- Councilman Iux
- Councilman Kaczmarek
- Councilman Burst
- Councilman Wegner

- Voting AYE
- Voting ABSENT
- Voting AYE
- Voting AYE
- Voting AYE
- Voting AYE
- Voting AYE

AYES:
NAYES:
ABSENT: C. Swiatek

6
0

**STATE OF NEW YORK
COUNTY OF ERIE**

500

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 6, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 8, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 6th day of August, 1979.

RICHARD M. MOLESKI
Town Clerk

Item No. 9 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town Board of the Town of Cheektowaga deems it to be in the best interest of the community to consider the adoption of an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" and in addition, to consider the adoption of the critical environmental areas as identified in such ordinance, now, therefore, BE IT

RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board members whether an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" shall be enacted and the critical environmental areas accepted; and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the said hearing.

NOTICE OF HEARING ON PROPOSAL TO ENACT
ENVIRONMENTAL IMPACT REVIEW ORDINANCE

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 20th day of August, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" and the critical environmental areas identified in such ordinance shall be adopted and enacted, which ordinance provides for a review of actions to determine if such actions may have a significant effect on air, water and land quality. A copy of the proposed "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" which identifies critical environmental areas is on file in the Town Clerk's Office where the same may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: August 6, 1979

RICHARD M. MOLESKI
TOWN CLERK

*See next five (5) pages for copy of "ENVIRONMENTAL IMPACT REVIEW ORDINANCE."

ENVIRONMENTAL IMPACT REVIEW ORDINANCE OF

THE TOWN OF CHEEKTOWAGA, NEW YORK

1. This ordinance shall be known and may be cited as the "ENVIRONMENTAL IMPACT REVIEW ORDINANCE OF THE TOWN OF CHEEKTOWAGA, NEW YORK."
2. This ordinance is adopted pursuant to Article 8 of the New York State Environmental Conservation Law in order to provide for a review of actions to determine if such actions may have a significant effect on air, water, and land quality.
3. (a) Unless the context shall otherwise require, the terms, phrases and words and their derivatives used in this ordinance shall have the same meaning as those defined in Section 8-0113 of the Environmental Conservation Law of the State of New York and Part 617 of Title 6 New York Code of Rules and Regulations.

(b) "Town" shall mean the Town of Cheektowaga.

(c) "NYCRR" shall mean the New York Code of Rules and Regulations.
4. No decision to carry out or approve an action other than an action listed in Section 5(b) hereof or Section 617.13 of Title 6 of the NYCRR as a Type II action shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all the requirements of this ordinance and Part 617 of Title 6 of NYCRR, provided however, that nothing herein shall be construed as prohibiting:
 - (a) the conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Town to approve, commence or engage in such action, or
 - (b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this ordinance and Part 617 of Title 6 of NYCRR has been fulfilled.
5. (a) The following action, in place of Section 5(iii), and in addition to those listed in Section 617.12 of Title 6 of NYCRR and the criteria therein, as Type I actions, is likely to have a significant effect on the environment:
 - (1) Construction of new residential units which meet or exceed the following threshold: in a city, town, or village having a population of less than 150,000: 100 units connected to community or publicly-owned utilities.
 - (2) The following areas, following written public notice and public hearings, shall be designated as critical environmental areas and such designation shall be filed with the Commissioner of the Department of Environmental Conservation pursuant to Section 617.4(j) of Title 6 of NYCRR.
 - (i) that land commonly known as the Reinstein Preserve; a 190 acre nature sanctuary, bounded generally by Como Park Boulevard, Losson Road, and Hitchcock Drive.
 - (ii) freshwater wetlands, located within the town, including, but not limited to those areas designated same by the Department of Environmental Conservation; in addition to those lands and submerged lands commonly called marshes, swamps, sloughs, bogs and flats supporting aquatic or semi-aquatic vegetation.

(b) The following actions, in addition to those listed in Section 617.13 of Title 6 of NYCRR and the criteria therein, as Type II actions, are deemed not to have a significant effect on the environment:

- (1) extension or addition of a commercial building with a threshold of 3,000 square feet.
- (2) modification of an existing single family dwelling to a double
- (3) extension of utility distribution facilities serving new or altered single or two-family structures or rendering service in an approved subdivision
- (4) construction of new single-family or double-family homes, unless part of subdivision
- (5) repair, rehabilitation and maintenance of buildings and facilities.

6. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits, licenses, rezonings, special permits, or other actions listed as Type I actions in Section 617.12 of Title 6 of NYCRR and Section 5(a) herein, shall file a written statement hereinafter referred to as the Environmental Assessment Form (EAF) with the Intake Officer, setting forth the name of the applicant; the location of the real property affected, if any; a site description and description of the nature of the project. In addition, applicants may include a detailed statement of the reasons why in their view, a proposed action may or will not have a significant effect on the environment. Such statement shall be filed with the application and shall contain such additional, relevant, and explanatory information as the Intake Officer shall require together with drawings, sketches, and maps, if any.

If the application involves a Town project not exempt under Section 5(b) herein or Section 617.13 of Title 6 of NYCRR as a Type II action, the department proposing the action shall prepare the EAF.

If the action is one which is unlisted, an EAF is not necessary, but a short EAF may be completed. Whether or not an EAF is prepared, a written record of the information upon which determination of significance is based shall be maintained.

Upon initial screening of the proposed action by the Intake Officer, the applicant has seven (7) days to complete the appropriate form and statement. If the Intake Officer, upon initial screening, determines the proposed action to be Type II or exempt as listed in Sections 617.13 or 617.2 of Title 6 of NYCRR or Section 5(b) herein, no review is necessary.

7. The Building and Plumbing Inspector shall be designated the Intake Officer.
8. If no other agencies are involved, the Town Board of the Town of Cheektowaga shall be designated as the lead agency. If other agencies are involved, the completed EAF and application shall be mailed to them, and a lead agency designated by mutual agreement within thirty (30) days of the EAF being mailed. The criteria of Section 617.6(d)(1) of Title 6 of NYCRR shall be followed in designating the lead agency.

If the action is unlisted, and other agencies are involved, Section 617.7 of Title 6 of NYCRR shall be followed.

Upon receipt of a completed application, the Building and Plumbing Inspector shall cause a notice of the EAF and project information to be published in a newspaper of the Town, describing the nature of the proposed project and stating that written views thereon of any person shall be received by the Advisory Committee no later than a date specified in such notice.

The Advisory Committee may within thirty (30) days hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

9. The Advisory Committee shall be composed of: (1) Town Health Officer, (2) Town Engineer, (3) Town Superintendent of Highways, (4) Town Planning Board Chairman and (5) Traffic Control Officer of Town of Cheektowaga Police Department.
10. Every EAF shall be accompanied by a fee of Fifty Dollars (\$50.00) to defray expenses.
11. The Advisory Committee shall render a determination of significance or non-significance based on criteria of Section 617.11 of Title 6 of NYCRR within forty-five (45) days following receipt of a completed application, provided however, that such period may be extended by mutual agreement of the applicant and the Advisory Committee. If the proposed action is not an exempt action, not an action listed in Section 5(b) herein or 617.13 of Title 6 of NYCRR as a Type II action and will not have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate for Type I actions only, a Negative Declaration as provided in Section 617.10(b) of Title 6 of NYCRR and thereafter the proposed action may be processed without further regard to this local ordinance. If the Advisory Committee determines that the proposed action may have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate such determination as provided in Section 617.10(c), Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with provisions of this local ordinance and Part 617 of Title 6 of NYCRR.
12. Following a determination that a proposed action may have a significant effect on the environment, the Building and Plumbing Inspector shall immediately notify the applicant or agency of the determination and shall request that a draft environmental impact statement (DEIS) be prepared; focusing on the concerns expressed by other interested parties.

If the applicant or agency fails to submit the DEIS in a reasonable time, the Building and Plumbing Inspector shall notify the applicant or agency that the processing of the application shall cease and that no approval will be issued.

Said DEIS shall be submitted with a fee of Fifty Dollars (\$50.00).

13. (a) Upon completion of a DEIS, a Notice of Completion shall be prepared by the Building and Plumbing Inspector. It shall contain at least the following information:
 - (1) a brief and precise description of the action covered by the statement; the location and nature of its potential environmental impacts and effects.
 - (2) where and how copies of the DEIS can be obtained.
 - (3) a statement that public comment is requested and will be accepted for thirty (30) days from filing of the Notice of Completion or ten (10) days following the close of a hearing if one is held.
- (b) A copy of the Notice of Completion and/or a copy of the DEIS shall be filed with those listed in Section 617.10(d) and (e) of Title 6 of NYCRR.
- (c) If the Advisory Committee determines that a public hearing shall be had, notice shall be published in a town newspaper at least ten (10) days prior to such public hearing. Such notice shall also state the place where substantive written comments on the DEIS may be sent and the date before which such comments shall be received. Said hearing shall commence

no less than fifteen (15) days nor more than sixty (60) days after the filing of the DEIS, except as otherwise provided where the Advisory Committee determines that additional time is necessary for the public or other agency review of the DEIS or where a different hearing date is required as appropriate under other applicable law.

14. If, on the basis of the DEIS, comments received, and the record of the public hearing, if one is held, the Advisory Committee determines that an action will not have a significant effect on the environment, a negative declaration shall be filed pursuant to Section 617.10(b) of Title 6 of NYCRR and the proposed action may be processed without further regard to this ordinance.
15. If an action may have a significant effect on the environment, the Building and Plumbing Inspector shall prepare a final environmental impact statement (FEIS) adhering to the following format:
 - (a) all revisions to the DEIS are marked as such
 - (b) copies or a summary of all substantive comments received are appended.
 - (c) the source of each comment is noted (whether made in writing or at a public hearing)
 - (d) the Advisory Committee's response to each of the comments.

The FEIS shall be prepared within sixty (60) days after the filing of the DEIS or within forty-five (45) days after the close of the hearing, whichever last occurs, provided however, the Building and Plumbing Inspector may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.

Such FEIS shall be accompanied by a fee of Fifty Dollars (\$50.00) to defray expenses of the Town in evaluating same.

16. A Notice of Completion of a FEIS shall be prepared, filed and sent by the Building and Plumbing Inspector pursuant to Section 617.10(g) and (h) of Title 6 of NYCRR.
17. No decision to carry out or approve an action which has been the subject of a FEIS by the Advisory Committee or by any other agency shall be made until after the filing and consideration of the FEIS. The Lead Agency shall make a decision whether or not to approve the action not less than ten (10) days or more than thirty (30) days of the filing of the FEIS. It shall approve or disapprove the action based on criteria of Section 617.11 of Title 6 of NYCRR.
18. When the Town Board decides to carry out or approve an action which may have a significant effect on the environment it shall make the following findings in a written determination:
 - (a) consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements; and
 - (b) all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects; and
 - (c) a summary of the information in the EIS which supports this decision.

19. The Town shall maintain files open for public inspection of all Positive Declarations, Negative Declarations, Notices of Completion, Draft and Final Environmental Impact Statements and written determinations prepared or caused to be prepared by the Lead Agency.
20. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; to this end the provisions of this ordinance are hereby declared to be severable.
21. Upon adoption by the Town Board, this ordinance shall take effect ten (10) days after its publication as required by the laws of the State of New York, except this ordinance 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, showing the date of its passage and entry in the minutes. This ordinance shall not apply to actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies.

Item No. 9 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Johnson

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

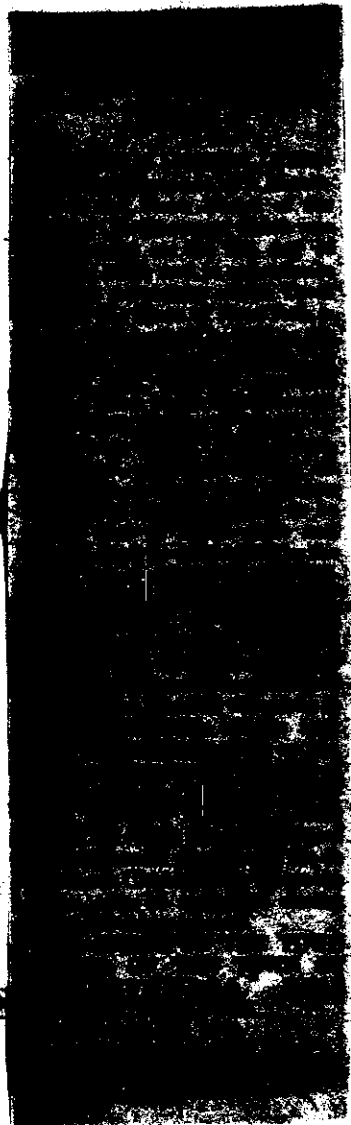
Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



..... George J. Measer.....
being duly sworn, deposes and says that he is the
Publisher..... of the
..... Cheektowaga Bee....., a
public newspaper published at Williamsville
....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week forone.... weeks, the first
insertion being on the 9th day of August.....
1979....., and the last insertion being on the .same...
day of, 19..... .

Subscribed and sworn to before me this 10th day

of August, 1979

Notary Public in and for Erie County Susan Schasel

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 10 Motion by Councilman Wegner, seconded by Supervisor Meyers

WHEREAS, the Town Board of the Town of Cheektowaga has deemed it to be in the best interest of the community to consider the adoption of a "CHEEK-TOWAGA GAMES OF CHANCE LICENSING LAW", now, therefore, BE IT

RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board members whether a "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" shall be enacted; and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in THE EXAMINER, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the hearing.

NOTICE OF HEARING ON PROPOSAL TO ADOPT
CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW

NOTICE IS HEREBY given that in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 20th day of August, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the "CHEEK-TOWAGA GAMES OF CHANCE LICENSING LAW" shall be adopted as follows:

*See next page for copy of "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW."

CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW

1. Short Title

This ordinance shall be known and may be cited as the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW."

2. Statutory Authority: Applicability

A. This ordinance is subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law and amendments thereto and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.

B. This ordinance shall apply to the entire Town of Cheektowaga, outside the limits of the Villages of Depew and Sloan.

3. Definitions

A. The words and terms used in this ordinance shall have the same meaning as such words and terms used in Article 9-A of the General Municipal Law, unless otherwise provided herein or the context requires a different meaning.

B. As used in this ordinance, the following terms shall have the meanings indicated:

Officer - The Chief of Police of the Town of Cheektowaga for the purposes of this ordinance, shall be the Chief Law Enforcement Officer thereof.

Town - The Town of Cheektowaga

4. Games of Chance Authorized; License Required

A. The Town Board of the Town of Cheektowaga, New York hereby provides that it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 9-A of the General Municipal Law to conduct games of chance within the territorial limits of the Town of Cheektowaga, subject to the provisions of this ordinance.

5. Sale of Alcoholic Beverages

During the conduct of games of chance, beer may be offered for sale, but the offering of all other alcoholic beverages is prohibited on games of chance premises.

6. Games Permitted on Sunday

The conduct of games of chance on Sundays is authorized except as otherwise provided in Article 9-A of the General Municipal Law.

7. When Effective

This ordinance shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November of 1979 for the purpose of approving this ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

8. Severability

If any provisions of this ordinance or the application thereof to any person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this ordinance without the invalid provision or application, as the case may be, had such invalidity been apparent.

Item No. 10 Cont'd.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE
COUNTY, NEW YORK.

Dated: August 6, 1979

RICHARD M. MOLESKI
TOWN CLERK

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 9 day of August 1929 and ending on the day of , 19

Signed James Charters
Sworn to before me, on the 13
day of Aug., 1929

Leicester Paul
Notary Public

LEICESTER A. PAUL
Notary Public, State of New York
Qualified in this County
My Commission Expires March 28, 1931

ORDINANCE NO. 10

NOTICE IS HEREBY given that in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 6th day of August, 1979 at 7:00 o'clock P.M. (Eastern Daylight Saving Time) at the Cheektowaga Town Hall, corner of Broadway and Gates Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which hearing plans shall be determined by the Town Board whether to create a license for the sale of alcoholic beverages that is subject to the provisions of Article 9-A of the General Municipal Law.

ARTICLE 9-A OF THE GENERAL MUNICIPAL LAW

1. Short Title

The ordinance shall be known and may be cited as the "Cheektowaga Alcohol Beverage License Law".

2. Purpose and Intent

The purpose of this ordinance is to regulate the sale of alcoholic beverages in the Town of Cheektowaga, New York, and to provide for the health, safety and general welfare of the community.

3. Definitions

A. The words and terms used in this ordinance shall have the same meaning as such words and terms used in Article 9-A of the General Municipal Law, except otherwise provided herein or the context requires a different meaning.

B. As used in this ordinance, the following words shall have the meanings indicated:

Officer - The Chief of Police of the Town of Cheektowaga for the purpose of this ordinance, shall be the Chief Law Enforcement Officer thereof.

Town - The Town of Cheektowaga.

4. Games of Chance Authorized; License Required

A. The Town Board of the Town of Cheektowaga, New York hereby provides that it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 9-A of the General Municipal Law to conduct games of chance within the territorial limits of the Town of Cheektowaga, subject to the provisions of this ordinance.

During the conduct of games of chance, the sale of alcoholic beverages is prohibited on games of chance premises.

6. Games Permitted on Sunday

The conduct of games of chance on Sundays is authorized except as otherwise provided in Article 9-A of the General Municipal Law.

7. When Effective

This ordinance shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November of 1979 for the purpose of approving this ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

8. Severability

If any provisions of this ordinance or the application thereof to any person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this ordinance without the invalid provision or application, as the case may be, had such invalidity been apparent.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.
Date: August 6, 1979

ORDERED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, on August 6, 1979.

Item No. 11 Motion by Councilman Wegner, seconded by Supervisor Meyers

WHEREAS, the Town Board of the Town of Cheektowaga has previously adopted, on October 2, 1978, a "Dog License Fee Ordinance," and

WHEREAS, Section 110(1) of the Agriculture and Markets Law of the State of New York sets forth minimum license fees which make it necessary that the Town of Cheektowaga amend its present "Dog License Fee Ordinance," now, therefore, BE IT

RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 20th day of August, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the "Dog License Fee Ordinance" shall be amended, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing.

NOTICE OF HEARING ON PROPOSAL TO AMEND
DOG LICENSE FEE ORDINANCE

NOTICE IS HEREBY given that in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 6th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 20th day of August, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the "DOG LICENSE FEE ORDINANCE" shall be amended as follows:

Delete: Fees enumerated.

- A. The license fee for males and spayed females shall four dollars (\$4).
- B. The license fee for unspayed females shall be seven dollars (\$7).

Add: Local license fees enumerated; when effective

- A. Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$2.50 for each dog license issued by the Town of Cheektowaga, New York under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.

	<u>State</u>	<u>Local</u>	<u>Total Fee</u>
Neutered and Spayed Dogs	\$2.50	\$2.50	\$ 5.00
Unneutered and Unspayed Dogs	\$7.50	\$2.50	\$10.00

- B. Local License Fees shall take effect on October 1, 1979.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Item No. 11 Cont'd.

Dated: August 6, 1979

RICHARD M. MOLESKI
TOWN CLERK

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



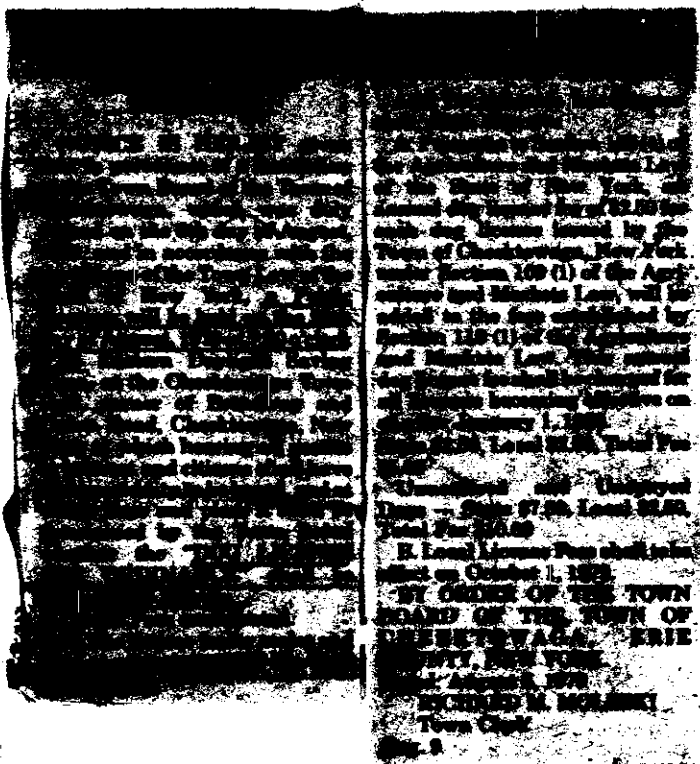
Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE



..... George J. Measer
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga Bee a
public newspaper published at Williamsville
....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for ONE weeks, the first
insertion being on the 9th day of August
1979, and the last insertion being on the same
day of, 19..... .

Subscribed and sworn to before me this 10th day

of August, 1979

Notary Public in and for Erie County Susan Schasel

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 12 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the New York State Department of Transportation proposes the construction of Harlem Road (William Street to Gierlach Street), S.H. 9381, in the Town of Cheektowaga, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of sidewalks, pursuant to Section 10, subdivision 22 of the Highway Law, and will provide for the removal, relocation, replacement and/or reconstruction of existing sidewalks pursuant to Section 10, subdivision 24 of the Highway Law, as shown on the contract plans relating to the project, and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended, and

WHEREAS, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga approve the removal, relocation, replacement and/or reconstruction of such existing sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Cheektowaga will maintain the relocated and/or replaced sidewalks performed as above stated and as shown on the contract plans, including the control of snow and ice, and, BE IT

FURTHER RESOLVED that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 13 Motion by Councilman Kaczmarek, seconded by Supervisor Meyers

WHEREAS, a recent change in federal law allows municipalities to participate in the Federal Surplus Property Program, AND

WHEREAS, the Federal Government declares \$4 billion worth of property surplus each year, AND

WHEREAS, property declared surplus can be attained at minimal cost, far below prevailing market prices, AND

WHEREAS, it is the intention of the Town of Cheektowaga to participate in the Federal Surplus Property Program, AND

WHEREAS, the Town may designate an agent to serve as a screener to directly examine federal surplus property at supply depots to insure the purchase of quality merchandise, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga take all necessary steps to certify James Matecki, Facilities Department Superintendent, as a screener with the General Services Administration for the Federal Surplus Property Program.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 14 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Cheektowaga Town Board, in a resolution dated June 5, 1978, has adopted a policy requiring developers of new subdivisions in the Town of

Item No. 14 Cont'd.

Cheektowaga to have all electrical service for street lighting facilities installed with underground wiring and underground fed fixtures, at the developer's expense, with said installation to be performed by New York State Electric & Gas Corporation or by a private contractor chosen by the developer, AND

WHEREAS, the plans for the Woodside Subdivision were approved by Town Board resolution on August 7, 1978, AND

WHEREAS, New York State Electric & Gas Corporation has submitted, for Town Board approval, a street lighting proposal for the Woodside Subdivision at the request of the developers; namely, Edward and Robert Lepczyk, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby approves the New York State Electric & Gas Corporation's street lighting proposal for the Woodside Subdivision, a copy of which is hereby attached and made a part of this resolution, and BE IT

FURTHER RESOLVED that in the event the developer chooses to arrange for New York State Electric & Gas to install the street lighting facilities, the estimated cost of such installation shall be deposited by the developer with the Town of Cheektowaga prior to installation and held in escrow to be paid to New York State Electric & Gas upon completion of said installation.

*See next two (2) pages for copy of street lighting proposal.

NEW YORK STATE ELECTRIC & GAS CORPORATION

July 9, 1979

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
WOODSIDE SUBDIVISION

Woodside Lane (2)

Connect 2 - 7000 lumen post top mercury fixtures

Energy & lamp bulb rate @ \$35.00 ea. ----- \$ 70.00

Install 1 - 7000 lumen mercury vapor luminaire @ \$50.00 ea. --- \$ 50.00
(Pole 33-1, Line 220)

Annual Increase ----- \$120.00

New York State Electric & Gas Corporation to supply and install two McGraw-Edison fixtures and 2 - 18-ft. fiberglas standards with necessary underground conductor to supply post-top fixtures to be owned and maintained by the Town of Cheektowaga.

Estimated Cost ----- \$1302.50

OR

Fixtures, 18-ft. standards, and conductors to be supplied and installed by developer, owned and maintained by the Town of Cheektowaga

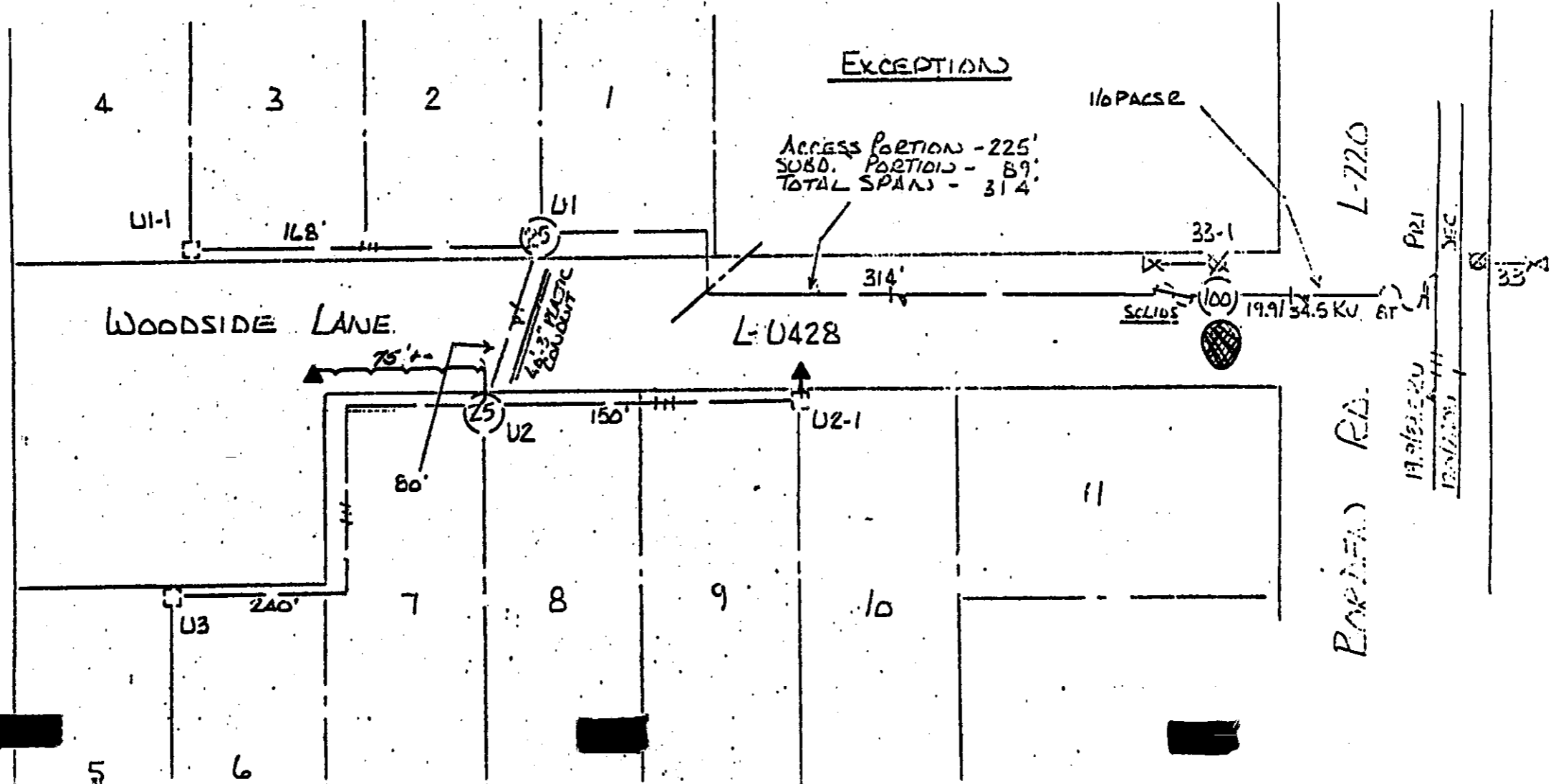
Connections, energy and lamp bulb replacements to be supplied, owned, and maintained by New York State Electric & Gas Corporation

D'WG. NO. 31-16
 JOB NO. 31108

UNDERGROUND STREET LIGHT LAYOUT

WOODSIDE LANE LOCATION CHEEKTOWAGA, TN
 D.R.F. DATE 2/14/77 CH'K. BY _____ DATE _____ APP'D. BY _____ DATE _____
 CH-808

- ⊙ TRANSFORMER
- HANDHOLE
- ▲ PROPOSED POST TOP STREET LIGHT
- PROPOSED UNDERGROUND WIRE
- ⊙ PROPOSED OVERHEAD STREET LIGHT



Item No. 14 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 15 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, the Town of Cheektowaga is interested in purchasing property located at Towers Boulevard and French Road in said Town for the purpose of straightening Towers Boulevard, and

WHEREAS, an appraisal of said property is required, now, therefore,
BE IT

RESOLVED, that Robert Laport, with offices located at the Statler Hilton Hotel, Suite 227, Buffalo, New York, be and is hereby appointed to appraise said property, at a cost not to exceed \$250.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 16 Motion by Councilman Dux, seconded by Councilman Burst

WHEREAS, the Town has a contractual agreement with Donald T. Maharan Associates for provision of architectural services for the remodeling of Town Hall, AND

WHEREAS, during remodeling work it was necessary for the firm of Donald T. Maharan Associates to expand additional professional services for the execution, design and supervision associated with numerous change orders necessitated during construction work, which additional work was not covered by the agreement with said professional firm, and which work is reported in the letters of Donald T. Maharan Associates to the Town Engineer and dated July 16, 1979, NOW, THEREFORE, BE IT

RESOLVED, that the vouchers of Donald T. Maharan Associates in the amounts of \$4,322.85 and \$280.00 for additional professional work associated with change orders and design of graphics be and hereby is approved for payment.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED, that Change Order No. 1 for the Buffalo Sewer Authority Connection of the Town of Cheektowaga Sewer District No. 5 Pollution Abatement Program in the amount of \$15,820.00 as an addition of the Amadori Construction Company, Inc., Contract No. 4, be approved. This addition is defined in a letter from the Town Engineer dated August 2, 1979 and considered part of this resolution, and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign said Change Order on behalf of the Town of Cheektowaga Sewer District No. 5.

*See next page for copy of letter.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

716-686-2000

686-3449

August 2, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Buffalo Sewer Authority
Connection - Change Order #1

Gentlemen:

Attached for your approval is Change Order #1 associated with the BSA Construction Project in Sewer District #5. This Change Order is in the amount of \$15,820.00 and will probably be deemed as an ineligible item under the Federal State Grant Program.

The additional manhole and 180' of 8" sewer is for the provision of sanitary sewer service to the Town's Recreation Garage and Harlem Road Pump Station. Since it was necessary to tunnel under Harlem Road, this was the opportune time to make the connection for a sanitary sewer main along the east side of Harlem Road at minimum cost to the Sewer District. It is recommended that this Change Order be approved.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

CLB: dmr

Item No. 17 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 18 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, sanitary sewer repairs were required at 38 Marne Road in Sanitary Sewer District #5, at 71 Frederick Street in Sanitary Sewer District #3 and at 90 Frederick Street in Sanitary Sewer District #3, which repairs were ordered by the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED, that the vouchers of Pagels Construction Company, Inc., 33 Homewood Road, Cheektowaga, New York 14227 in the amount of \$3,211.32 (38 Marne Road - \$1,173.88), (71 Frederick Street - \$1,018.72) and (90 Frederick Street - \$1,018.22) to do the work for sanitary sewer repairs be approved and paid.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, the Engineering Department has prepared plans and specifications for the installation of the pipe purchased by the Town of Cheektowaga with the necessary manholes, chambers and other related material for the Autumnwood, Part III, Storm Drainage Project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is directed to publish a Notice to Bidders in connection with said storm sewer installation, notice to be published in THE EXAMINER, and BE IT FURTHER

RESOLVED, that the Town Board meet on the 20th day of August, 1979 at 7:00 P.M., Local Time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting.

N O T I C E T O B I D D E R S

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 20, 1979 at 7:00 P.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, for the installation of pipe and the furnishing and installation of other related material for the Autumnwood, Part III, Drainage Project.

Contract documents, including drawings and technical specifications, are on file at the office of the Town Engineer at Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227.

A certified check or bank draft, payable to the order of the Town of Cheektowaga; negotiable U.S. Government bonds (at par value), or a satisfactory Bid Bond executed by the bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid shall be submitted with each bid.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the contract documents must be paid on this project, and that the contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex, or national origin.

The Town of Cheektowaga reserves the right to reject any or all bids or to waive any informalities in the bidding.

Item No. 19 Cont'd.

Bids may be held by the Town of Cheektowaga for a period not to exceed thirty (30) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidder, prior to awarding of the contract.

RICHARD M. MOLESKI
TOWN CLERK

DATED: August 6, 1979

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 9 day of August 1927 and ending on the day of , 19

(CR)
Signed James Charters
Sworn to before me, on the 13
day of Aug., 1927
Lillian A. Ansel
Notary Public

LILLIAN A. ANSEL
Notary Public, State of New York
Qualified in this County
My Commission Expires March 22, 1928

and approved by the Town Board of the Town of Chestowaga on August 20, 1979 at 7:00 P.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the installation of pipe and the furnishing and installation of other related material for the Autumnwood, Part III, Drainage Project.

Contract documents, including drawings and technical specifications, are on file at the office of the Town Engineer at Town Hall, Broadway and Union Roads, Chestowaga, New York 14227.

A certified check or bank draft, payable to the order of the Town of Chestowaga; negotiable U.S. Government bonds (at par value), or a satisfactory Bid Bond executed by the bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid shall be submitted with each bid.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the contract documents must be paid on this project, and that the contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex, or national origin.

The Town of Chestowaga reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the Town of Chestowaga for a period not to exceed thirty (30) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidder, prior to awarding of the contract.

Richard M. Meloni

August 6, 1979

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Item No. 20 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, bids were duly received by this Town Board at a meeting thereof held on July 23, 1979 for diesel fuel oil, motor oils, etc. for the Cheektowaga Highway Department, as a result of advertisement therefor, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, now, therefore, BE IT

RESOLVED that the bids be awarded to the lowest responsible bidder meeting specifications as set forth in the tabulation of bids attached hereto and made a part hereof.

*See next two (2) pages for copy of tabulation.

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: 683-4775

ROBERT KARASZEWSKI
Deputy Superintendent



OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

July 30, 1979

HONORABLE KENNETH MEYERS, SUPERVISOR
HONORABLE MEMBERS OF THE TOWN BOARD
TOWN OF CHEEKTOWAGA, NEW YORK 14227

Re: Bids for 1979 Diesel Fuel oil
motor oils, etc.

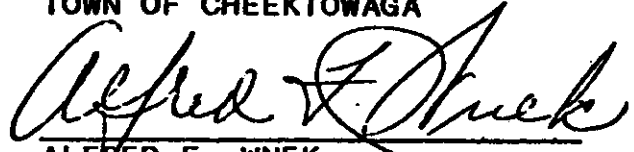
Gentlemen:

Bids were opened at the Town Board meeting of
July 23, 1979 for Diesel Fuel oil, motor oils etc.

After reviewing all bids, I recommend awarding
the contract to the lowest responsible bidder as per
attached tabulation.

I trust this will meet with your honorable
approval. Thank you.

Very truly yours,
TOWN OF CHEEKTOWAGA


ALFRED F. WNEK,
SUPT. OF HIGHWAYS

AFW/bg

encl.
copies: R. Moleski - Town Clerk
John Rogowski, - Town Atty.

RECEIVED

JUL 31 1979

Richard M. Moleski, Town Clerk

"When better roads are built — Cheektowaga will build them"

RECAP FOR DIESEL FUEL, MOTOR OILS, ANTI-FREEZE, ETC.
FOR PERIOD OF JULY 23, 1979 THRU JULY 22, 1980

	G & M LUBRICANTS		RIVERSIDE CHEMICAL CORP.		AMERICAN LUBRICANTS	
	PER GAL.	PER 55 GAL. DR.	PER GAL.	PER 55 GAL. DR.	PER GAL.	PER 55 GAL. DR.
Hyradulic Oil #300 R/O Hydr.	---	77.00 dr. 1.40 gal.	No Bid		"Rando 68"	1.59 87.45 Dr.
Penetrating Oil (In Aerosol Cans) Motor Oils	No Bid		\$21.00 per case for 12-15 oz. cans		No Bid	
SAE 30 Non Det.	---	89.10 dr. 1.62 gal.	---	1.75 gal. 9.25 Dr.	Item 1033 - Delo 100 14.90 case 107.25 Dr.	
XHD#30	No Bid		---	2.04 gal. 112.20 Dr.	Item 1036 - Delo 200 15.90 case 109.45 Dr.	
Super D #30 Service #CACBCCCD	No Bid		No Bid		Delo 400 - 30 wt. 16.50 case 111.10 Dr.	
Special 10W-40	---	95.90 dr. 1.74 gal.	---	2.15 gal. 118.25 Dr.	Item 1158 - Havoline 19.56 case 123.50 Dr.	
Gear & Transmission Oils						
Transmission Type "A"	No Bid		No Bid		"Texamatic" 120 LB 2.20 gal. 45.00 - Drum	
Multi-Purpose Gear Oil SAE 90	---	2.18 lb.	No Bid		Item #1154 2.80 gal. 44.80 "	
Multi-Purpose Gear Oil SAE 140	No Bid		No Bid		Item #1072 2.875 gal. 46.00 "	
#50	No Bid		No Bid		No Bid	
Lubriplate 630-2	No Bid		No Bid		No Bid	
Lubriplate #70	No Bid		No Bid		No Bid	
Extra Heavy Duty Brake Fluid	No Bid		No Bid		No Bid	
Permanent Anti-Freeze	No Bid		16.25 dr. 2.95 per gal.		3.10 gal. 170.50-55 gal.	
Chevron Delo 400 Motor Oil SAE 15W-40 or Equal	---	93.50 dr. 1.70 gal.	No Bid		16.88 case 132.00-55 gal. American Item #1180 15W- 120.45-55 gal.	
DRUM DEPOSIT	\$15.00		\$20.00		American - \$13.00 Chevron - 20.00 Texaco - 17.00	
Diesel Fuel	\$.605 per gal - Kurk Fuel Oil Co. .7350 " " - Ashland Oil Corp.					
Kerosene	.799 per gal. - Kurk Fuel Oil Co. (only bidder)					
Annely Diesel and Stewart Warner Alemite - no bid on any items						

Item No. 20 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 21 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, bids were duly received by this Town Board at a meeting thereof held on July 23, 1979 for snow plow blades, wing blades, grader blades etc. for the Cheektowaga Highway Department, as a result of advertisement therefor, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, now, therefore, BE IT

RESOLVED that the bids be awarded to the lowest responsible bidder meeting specifications as set forth in the tabulation of bids attached hereto and made a part hereof.

*See next eleven (11) pages for copy of tabulation.

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: 683-4775

ROBERT KARASZEWSKI
Deputy Superintendent



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

July 30, 1979

HONORABLE KENNETH J. MEYERS, SUPERVISOR
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA, NEW YORK 14227

Re: Award of bids:
Snow plow blades, wing blades,
Grader blades etc.

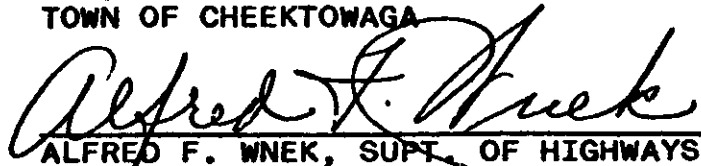
Gentlemen:

Bids were opened at the Town Board meeting of July 23, 1979 for the purpose of furnishing the Highway department with snow plow blades, wing blades, grader blades, etc., for 1979.

Upon reviewing all bids submitted, I recommend awarding the contract to the lowest responsible bidder, as per attached tabulation.

I trust this will meet with your approval. Thank you.

Very truly yours,
TOWN OF CHEEKTOWAGA


ALFRED F. WNEK, SUPT. OF HIGHWAYS

AFW/bg

encl.

copies: R. Moleski - Town Clerk
J. Rogowski - Town Atty.

RECEIVED

JUL 31 1979

Richard M. Moleski, Town Clerk

"When better roads are built — Cheektowaga will build them"

BID FORM: The bidder will be held to the prices as quoted for the entire year - July 23, 1979 thru July 22, 1980

<u>EXTENSION RINGS FOR MANHOLES</u> (Machined to Prevent Rocking)		PER DOZEN	PER 1/2 DOZEN	PER UNIT
22" dia. x 1"	GRAY IRON	635.52	331.20	58.63
22" dia. x 2"	GRAY IRON	652.16	339.84	60.17
22" dia. x 3"	GRAY IRON	671.04	349.71	61.90
22 1/2" dia. x 2	GRAY IRON	676.00	352.23	62.37
23" dia. x 1"	GRAY IRON	676.00	352.23	62.37
23" dia. x 1 1/2"	GRAY IRON	676.00	352.23	62.37
23" dia. x 2"	GRAY IRON	687.92	358.47	63.47
23" dia. x 3"	GRAY IRON	699.84	364.71	64.57
24" dia. x 1"	GRAY IRON	687.92	358.47	63.47
24" dia. x 1 1/2"	GRAY IRON	699.84	364.71	64.57
24" dia. x 2"	GRAY IRON	699.84	364.71	64.57
24" dia. x 3"	GRAY IRON	711.84	371.25	65.67
25" dia. x 1"	GRAY IRON	687.92	358.47	63.47
25" dia. x 1 1/2"	GRAY IRON	699.84	364.71	64.57
25" dia. x 2"	GRAY IRON	699.84	364.71	64.57
25" dia. x 3"	GRAY IRON	711.84	371.25	65.67
<u>SEWER CASTINGS WITH COVERS</u>				
22"	GRAY IRON	1,260.00	630.54	112.58
23"	GRAY IRON	1,308.00	654.00	121.38
24"	GRAY IRON	1,308.00	654.00	121.38
25"	GRAY IRON	1,308.00	654.00	121.38
<u>MANHOLE COVERS WITHOUT CASTINGS</u>				
22"	GRAY IRON	753.74	382.59	77.38
23"	GRAY IRON	753.74	382.59	77.38
24"	GRAY IRON	753.74	382.59	77.38
25"	GRAY IRON	753.74	382.59	77.38

Jamestown Iron Works

BID FORM: The bidder will be held to the prices as quoted for the entire year -- July 23, 1979 thru July 22, 1980

<u>MANHOLE FRAMES</u>		PER DOZEN	PER 1/2 DOZEN	PER UNIT
22"	GRAY IRON	678.24	345.69	68.58
23"	GRAY IRON	747.76	389.97	72.98
24"	GRAY IRON	747.76	389.97	72.98
25"	GRAY IRON	747.76	389.97	72.98
<u>SANITARY SEWER COVER</u>				
U-122-1-ST	GRAY IRON	no quote	no quote	no quote
<u>RECEIVER BOXES</u>				
Standard City of Buffalo Type	GRAY IRON	" "	" "	" "
<u>CURB BOX</u>				
Standard City of Buffalo Type	GRAY IRON	" "	" "	" "
<u>RECEIVER GRATES, FRAMES & CURBOXES - WITHOUT FRAME</u>				
12x12 - Heavy Duty	GRAY IRON	504.00	256.80	44.00
12x18 - Heavy Duty	GRAY IRON	572.40	286.20	50.00
13x18 - Heavy Duty	GRAY IRON	572.40	286.20	50.00
<u>HALF RECEIVER - WITHOUT FRAME</u>				
15x29 - Heavy Duty	GRAY IRON	687.96	353.16	66.86
18x18 - Heavy Duty	GRAY IRON	585.00	301.44	59.35
<u>FULL RECEIVER - WITHOUT FRAME</u>				
22x29 - Heavy Duty	GRAY IRON	725.76	375.36	72.87
26x26 - Heavy Duty	GRAY IRON	725.76	374.96	70.15
24" Round - Heavy Duty	GRAY IRON	720.00	365.00	70.35
<u>FRAMES FOR DARK SECTION - TOP SECTION</u>				
18x18	GRAY IRON	no quote	no quote	no quote
24x24	GRAY IRON	" "	" "	" "

SIGNED JAMESTOWN IRON WORKS, INC.

DATE July 16, 1979

Edwin P. Mahler ^{Company} PRESIDENT
Officer or Agent

Northern Supply			Nuttal Equipment			Paper Calmenson & Co.			Walter M. Roberts Ent. Inc.		
Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit
No Bid	No Bid	No Bid	890.40	445.20	74.20	78.82 ea. 945.84	82.76 ea. 496.56	91.03	854.76	427.38	71.
" "	" "	" "	791.88	395.94	65.99	69.97 ea. 839.64	73.46 ea. 440.76	80.80	780.20	380.10	63
" "	" "	" "	651.00	325.50	54.25	57.97 ea. 695.64	60.86 ea. 365.16	66.94	574.56	287.28	47
" "	" "	" "	651.00	325.50	54.25	72.83 ea. 873.96	76.47 ea. 458.82	84.12	574.56	287.28	47
" "	" "	" "	443.40	221.70	36.95	52.30 ea. 627.60	54.91 ea. 329.46	60.40	396.84	198.42	33
No Bid	No Bid	No Bid	495.72	247.86	41.31	55.44 ea. 665.28	58.21 ea. 349.26	64.03	475.92	237.96	39
" "	" "	" "	423.00	221.50	35.25	44.65 ea. 535.80	46.88 ea. 281.28	51.56	385.68	192.84	32
" "	" "	" "	579.00	289.50	48.25	65.66 ea. 787.92	68.96 ea. 413.76	75.86	532.68	266.34	44
" "	" "	" "	436.68	218.34	36.39	44.65 ea. 535.80	46.88 ea. 281.28	51.56	419.16	209.58	34
No Bid	No Bid	No Bid	465.24	232.62	38.77	47.44 ea. 569.28	49.81 ea. 298.86	54.79	465.24	232.62	38
" "	" "	" "	288.60	144.30	24.05	27.55 ea. 330.60	28.93 ea. 173.58	31.82	288.60	144.30	24
275.00	140.00	24.00	325.08	162.54	27.09	41.21 ea. 494.52	43.27 ea. 259.62	47.59	325.32	162.66	27
No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	40.00 ea. 480.00	42.00 ea. 252.00	46.20	No Such Number		
194.00	98.00	16.75	210.12	105.06	17.51	28.21 ea. 338.52	29.62 ea. 177.72	32.58	210.12	105.06	17.

Page 1

Chemung Corp.
P.O. Box 527 - Elmira, New York

Oswego Tool & Supply Co., Inc.
RD 2 - Oswego, New York

	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit
REVERSIBLE BLADES FOR ONE WAY PLOW						
Frink #501-40 (5/8x8x132) 17 holes	767.64	383.82	63.97	1040.16	520.08	86.68
Frink #501-30 (5/8x8x116) 15 holes	683.64	341.82	56.97	948.36	474.18	79.03
#20176-B Ross FNR-295 (8"W-9 1/2"L-1/2" thick) 5/8 dia. - 12 holes	515.64	257.82	42.97	761.64	380.82	63.47
Ross 20176B (1 1/2 ft. x 1/2)	515.64	257.82	42.97	No Bid	No Bid	No Bid
Ross 304B (8 1/2 ft. x 1/2)	355.92	177.96	29.66	761.64	380.82	63.47
WING BLADES (All holes to be 1 inch from top and 8 inch centers)						
Viking #80028 (1/2x6x118) 15 holes	427.08	213.54	35.59	583.20	291.60	48.60
Ross 13280B (6"W-8 1/2"L-1/2" thick - 5/8" dia. - 11 holes	346.68	173.34	28.89	499.20	249.60	41.60
#80032 Viking Model 140 (1/2x6 1/2x134) 17 holes	477.36	238.68	39.78	694.80	347.40	57.90
Frink 11FHR (1/2x6x104) 13 holes	374.88	187.44	31.24	525.12	262.56	43.76
SHOES						
17206B (for wing)	460.08	230.04	38.34	477.00	238.50	39.75
Wing - Ross #1341-C	284.88	142.44	23.74	282.84	141.42	23.57
One Way Plow - FW3232-1-A	321.36	160.68	26.78	310.08	155.04	25.84
Viking 80200 - Nose Piece	No Bid	No Bid	No Bid	168.24	84.12	14.02
Frink WF3027-1A Mold Board Shoe	206.88	103.44	17.24	203.76	101.88	16.98

Northern Supply
2959 Ashman Rd.
Holcomb, N.Y.

Nuttall Equipment Co.
128 East Main St.
Sherman, N.Y.

Pape, Calmenson & Co.
P.O. Box 43432
St. Paul, Minn.

Walter M. Roberts Ent. Inc.
829 Sheridan Dr.
Tonawanda, N.Y.

Northern Supply			Nuttall Equipment Co.			Pape, Calmenson & Co.			Walter M. Roberts Ent. Inc.		
Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 dz.	Per Unit	Per Dz.	Per 1/2 Dz	Per Unit
Bid	No Bid	No Bid									
			210.12	105.06	17.51	338.52	177.72	32.58	210.12	105.06	17.51
50.00	126.00	21.75	288.60	144.30	24.05	313.44	164.52	30.16	288.60	144.30	24.05
2.00	83.00	14.30	170.52	85.26	14.21	232.80	122.22	22.40	170.52	85.26	14.21
47.00	123.50	21.35	250.08	125.04	20.84	345.60	181.44	33.26	250.08	125.04	20.84
Bid	No Bid	No Bid	459.36	229.68	38.28	522.00	274.08	50.25	459.36	229.68	38.28
50.00	275.00	48.50	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
55.00	265.00	45.00	No Bid	No Bid	No Bid	" "	" "	" "	" "	" "	" "
55.00	235.00	40.00	No Bid	No Bid	No Bid	" "	" "	" "	" "	" "	" "
35.00	153.25	26.50	272.64	136.32	22.72	302.88	159.00	29.15	242.40	121.20	20.20
50.00	178.00	32.00	318.12	159.06	26.51	352.80	185.22	33.95	282.84	141.42	23.57
49.00	433.00	74.00 *	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
55.00	505.00	86.00 *	" "	" "	" "	" "	" "	" "	" "	" "	" "
Bid	No Bid	No Bid	" "	" "	" "	6' 831.60	436.56	80.03	" "	" "	" "
			" "	" "	" "	7' 970.20	509.34	93.37	" "	" "	" "

TD GOOD FOR ONLY 60 DAYS

Pg. 3

	Chemung Supply Corp.			Oswego Tool & Steel Co., Inc.		
	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit
RUBBER SNOW PLOW BLADES & CUTTING EDGES						
Rubber Snow Plow Blades (or Equal) manufactured from highly abrasion resistant 60 duro natural rubber stock)						
ONE WAY PLOW						
Frink 501-40 (1 1/2"x10"x132) 17 slotted holes	2346.84	1173.42	195.57	1491.60	745.80	124.
Frink 501-30 (1 1/2"x10"x116") 15 slotted holes	2125.32	1062.66	177.11	1356.00	678.00	113.
Ross 20176B (9 1/2"x1 1/2"x10") 5/8" dia.	1977.36	988.68	164.78	1356.00	678.00	113.
WING BLADES						
Viking 80028 (1 1/2"x8"x118") 15 slotted holes	1782.96	891.48	148.58	1108.80	554.40	92.
Viking Model 140 (1 1/2"x8"x134") 17 slotted holes	2046.36	1023.18	170.53	1330.56	665.28	110.8
Frink Model 11AR (1 1/2"x8"x116") 15 slotted holes	1782.96	891.48	148.58	1108.80	554.40	92.40
Frink Model 11FHR (1 1/2"x8"x104") 13 slotted holes	1595.64	797.82	132.97	997.92	498.96	83.16
Viking #70000 Nose Piece	186.84	93.42	15.57	185.64	92.82	15.47
Frink #FO 4040-1 Wing Shoe	284.88	142.44	23.74	282.84	141.42	23.57
Frink #FO 4064-1 Mold Board Shoe	206.88	103.44	17.24	203.76	101.88	16.98
FRONT PLOW BLADE						
Frink FO 9172 1/2"x8"x132" - 13 holes (Steel)	597.36	298.68	49.78	837.72	418.86	69.81
5/8"x8"x132" - 13 holes (Steel)	746.76	373.38	62.23	1014.96	507.48	84.58

Northern Supply
 259 Ashman Rd.
 Bloomb, N.Y.

Nuttall Equipment Co.
 128 East Main St.
 Sherman, N.Y.

Paper, [redacted] & Co.
 P.O. Box [redacted]
 St. Paul, Minn.

Walter M. Roberts Ent. Inc.
 829 Sheridan Dr. [redacted]
 Tonawanda, N.Y.

Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 dz.	Per Unit	Per Dz.	Per 1/2 Dz	Per Unit
10.00	990.00	170.00	1584.00	831.60	145.20	No Bid	No Bid	No Bid	2609.04	1304.52	217.42
Bid	No Bid	No Bid	1392.00	730.80	127.60	" "	" "	" "	2362.80	1181.40	196.90
Bid	No Bid	No Bid	1368.00	718.20	125.40	" "	" "	" "	2199.72	1099.86	183.31
Bid	No Bid	No Bid	1132.80	601.80	106.20	No Bid	No Bid	No Bid	1983.72	991.86	165.31
Bid	No Bid	No Bid	1286.40	683.40	120.60	" "	" "	" "	2276.40	1138.20	189.70
Bid	No Bid	No Bid	1113.60	591.60	104.40	" "	" "	" "	1983.72	991.86	165.31
Bid	No Bid	No Bid	998.40	530.40	93.60	" "	" "	" "	1775.40	887.70	147.95
3.50	84.25	14.50	188.40	94.20	15.70	17.94 ea. 215.28	18.84 ea. 113.04	20.72	188.40	94.20	15.70
Bid	No Bid	No Bid	288.60	144.30	24.05	27.55 ea. 330.60	28.93 ea. 173.58	31.82	288.60	144.30	24.05
Bid	No Bid	No Bid	210.12	105.06	17.51	20.14 ea. 241.68	21.14 ea. 126.84	23.26	210.12	105.06	17.51
Bid	No Bid	No Bid	717.00	358.50	59.75	64.19 ea. 770.28	67.39 ea. 404.34	74.12	665.28	332.64	55.44
Bid	No Bid	No Bid	867.12	433.56	72.26	74.50 ea. 894.00	78.22 ea. 469.32	86.04	832.44	416.22	69.37

Sherrin Supply
 7 Ashman Rd.
 Albany, N.Y.

Nuttall Equipment Co.
 128 East Main St.
 Sherman, N.Y.

Paper, [redacted] & Co.
 P.O. Box 4, [redacted]
 St. Paul, Minn.

Walter N. Roberts [redacted] Co.
 829 Sheridan Dr.
 Tonawanda, N.Y.

	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 Dz.	Per Unit	Per Dz.	Per 1/2 dz.	Per Unit	Per Dz.	Per 1/2 Dz	Per Unit
id	No Bid	No Bid	1584.00	831.60	145.20	No Bid	No Bid	No Bid	2529.24	1264.62	210.77
id	No Bid	No Bid	490.56	245.28	40.88	47.79 ea. 573.48	50.17 ea. 301.02	55.18	475.92	237.96	39.66
id	No Bid	No Bid	604.32	302.16	50.36	53.09 ea. 637.08	55.70 ea. 334.20	60.50	589.68	294.84	49.14
id	No Bid	No Bid	1440.00	756.00	132.00	No Bid	No Bid	No Bid	2302.80	1151.40	191.90
d	No Bid	No Bid	5940.00	3049.20	528.00	No Bid	No Bid	No Bid			
			Fabricated Steel with Carbide								
00	663.00	112.00 *	1500.00	750.00	125.00	" "	" "	" "	3/4" x 5" 52.51 per ft. - 577.61		
			#3232 Nihard Cast with Carbide								
			1680.00	840.00	140.00						
			GOOD FOR ONLY 60 DAYS								

Item No. 21 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 22 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the New York State Traffic and Safety Board will conduct its annual convention on August 26 through August 29, 1979 in Binghamton, New York, and

WHEREAS, the Chairman of the Cheektowaga Traffic Safety Commission has requested permission for Mr. David Metz, member of the Traffic Safety Commission to attend said annual convention, NOW, THEREFORE, BE IT

RESOLVED that Mr. David Metz be and hereby is authorized to attend the annual convention of the New York State Traffic and Safety Board, August 26 through August 29, 1979 in Binghamton, New York, and BE IT FURTHER

RESOLVED that Mr. Metz shall be reimbursed for all necessary travel expenses in connection with said convention at a sum not to exceed \$300.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 23 Motion by Supervisor Meyers, seconded by Councilman Wegner

BE IT RESOLVED that Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau and Bonnie Przybylak, Work Experience Coordinator of the Cheektowaga Youth Bureau, be authorized to attend the Job Development Workshop in White Plains, New York from August 22 through August 24, 1979, at a cost not to exceed five hundred dollars (\$500.00).

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 24 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the Cheektowaga Youth Bureau and the International Year of the Child Steering Committee of the Cheektowaga Youth Board is sponsoring a WEEK FOR CHILDREN, August 20th through the 25th, 1979, and

WHEREAS, by calling attention to the educational and service programs presently available to our young children, these voluntary and professional groups hope to improve the quality of their programs as well as initiate new offerings, and

WHEREAS, these improved efforts will serve to insure that our young children, regardless of social or economic status, will reach their physical, intellectual and spiritual potential, and

WHEREAS, public cooperation from the home, school and community is needed to fulfill our responsibilities to young children, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of Cheektowaga does hereby proclaim

August 20th through 25th, 1979 as

A WEEK FOR CHILDREN

Item No. 24 Cont'd.

in Cheektowaga, and urge all citizens to support and encourage all agencies working for the well being of Young Children in our community.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 25 Motion by Councilman Burst, seconded by Supervisor Meyers

BE IT RESOLVED that the following persons be and hereby are hired as replacements for the Hometown Beautification Program (A. 7310.162), at a salary rate of \$2.90 per hour:

Robert Costrino

John Piechocki

and BE IT FURTHER RESOLVED that the following person be and hereby is hired as a seasonal laborer, replacement for vacations as needed, in the Sanitation Department, at a salary rate of \$2.90 per hour:

Raymond Jablonski

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 26 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, it is necessary to employ thirty (30) Dog Enumerators to take the 1980 Dog Census, NOW, THEREFORE, BE IT

RESOLVED that the following be and hereby are hired by the Town of Cheektowaga as Dog Enumerators relative to said 1980 Dog Census:

Joan Wojtkowski	Chktg., 14225
Angie Allen	Depew, 14043
Shirley Novo	Chktg., 14215
Grace Lumadue	Chktg., 14225
Eileen Nowak	Chktg., 14227
Joan Cuddihy	Chktg., 14225
Frances Vesona	Chktg., 14225
Delores Karpinski	Chktg., 14227
Irene Grzybowski	Chktg., 14211
Lorraine Dux	Chktg., 14225
Phyllis Nicosia	Depew, 14043
Christine Beresniewicz	Depew, 14043
Joanne Babiarz	Chktg., 14225
Maryann Nadrowski	Chktg., 14225
Florence Young	Chktg., 14206
Pat Healy	Chktg., 14225
Barbara Weidemer	Depew, 14043
Pat Mangold	Chktg., 14225
Betty Bules	Chktg., 14225
Chris McEwen	Chktg., 14225
Betty Dedline	Chktg., 14225
Shirley Kurdziel	Depew, 14043
Florence Hajduk	Chktg., 14227
Gail Stachewicz	Chktg., 14206
Theresa Przybyl	Chktg., 14225
Kathy Gast	Chktg., 14225
Diane Gawronski	Chktg., 14225
Jean DiGrace	Chktg., 14227
Nancy Cherico	Chktg., 14227
James R. Stachewicz	Chktg., 14206

Item No. 26 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 27 Motion by Councilman Wegner, seconded by Supervisor Meyers

WHEREAS, the vacant position of "Clerk Typist" in the Town of Cheektowaga Assessors Office has recently been posted, and

WHEREAS, bids for this position have been received and properly reviewed, NOW, THEREFORE, BE IT

RESOLVED that Carol Bannister, of Cheektowaga, New York whose name appears second on the Erie County Civil Service list of eligibles for the position of Clerk Typist, be and hereby is appointed to the vacant position in the Cheektowaga Assessors Office, at an annual starting salary of \$8,562.24; said appointment effective Tuesday, August 7, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 28 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, Leslie Kosicki, Telephone Switchboard Operator for the Town of Cheektowaga has requested a leave of absence, without pay, for maternity reasons, and

WHEREAS, the current bargaining agreement between the Town of Cheektowaga, and Local 1026, contains provisions for such a leave of absence, NOW, THEREFORE, BE IT

RESOLVED that Leslie Kosicki be and hereby is granted a leave of absence, without pay, for maternity reasons for a period of thirty (30) consecutive working days, commencing on August 20, 1979 and ending October 1, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 29 Motion by Councilman Dux, seconded by Councilman Kaczmarek

WHEREAS, Jeffrey L. Repka, employed as a General Mechanic in the Cheektowaga Facilities Department, has requested a leave of absence without pay, from his position, for the purpose of engaging in a self-employment opportunity in another State, and

WHEREAS, Article 9, Section (e), of the current bargaining agreement in effect between the Town of Cheektowaga, and Local 1026, provides for a leave of absence without pay, at the discretion of the Town Board, for the purpose as described above, NOW THEREFORE, BE IT

RESOLVED that Jeffrey L. Repka, be and hereby is granted a leave of absence without pay, for a period of six (6) months, commencing on August 17, 1979 for the specific purpose of engaging in a self-employment opportunity in another State, and BE IT FURTHER

RESOLVED, that according to Article 9, Section (e), Mr. Repka is not entitled to accrue seniority and/or any other benefits as provided, while on said leave of absence.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst & Wegner
NAYES: 0
ABSENT: Councilman Swiatek

8/6/79

Item No. 30 Motion by Supervisor Meyers, seconded by Councilman Wegner

BE IT RESOLVED that funds in the amount of \$600.00 be transferred from Account No. A.1450.122 (Election Inspectors) to Account No. A.1410.460 (Microfilming-Town Clerk's Office) in order to provide funds for the microfilming of Town Burial Permits 1972-1978.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 31 Motion by Supervisor Meyers, seconded by Councilman Wegner

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA prior to August 6th, 1979 be and the same are hereby approved and the Supervisor is ordered to pay same.

<u>FUND</u>	<u>CHECK NOS.</u>		<u>AMOUNT</u>
	<u>FROM</u>	<u>TO</u>	
H.U.D.-C.D.B.G. FUND	163-169		\$ 109,005.55
GENERAL FUND	11194, 11203-11378		1,647,772.22
PART TOWN FUND	25-34		12,029.97
SPECIAL DIST. FUND	6188-6259		2,946,553.19
HIGHWAY FUND	4668-4725		197,648.72
CAPITAL FUND	229-232		72,679.03
TRUST AND AGENCY FUND	676-688		311,376.65
FEDERAL REVENUE SHARING	158-174		1,590.96
SPECIAL ASSESSMENT FUND	18		5,160.00
DEBT SERVICE FUND	59-61		<u>67,200.00</u>
			<u>\$5,371,016.29</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 32 Supervisor's Statement of Funds - April, 1979.
Received and Filed.

Item No. 33 Supervisor's Statement of Funds - May, 1979.
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 34 Senator Dale M. Volker - Copy of bill, memorandum and veto message re: Increased suburban representation on Board of the Buffalo Sewer Authority. Copies sent to Honorable Members of the Town Board; item received and filed.

Item No. 35 Senator Daniel P. Moynihan - Acknowledging receipt of resolutions re: Human Life Amendment and Advanced Wastewater Treatment.
Item received and filed.

Item No. 36 Richard R. Anderson, Erie County Legislator - Acknowledging receipt of resolution re: Federal payment of Advanced Wastewater Treatment and increased State O and M aid.
Item received and filed.

Item No. 37 New York State Department of Audit and Control - Acknowledging receipt of resolution re: Extension of Cleveland Hill Fire District No. 6.
Copies sent to Honorable Members of the Town Board and John V. Rogowski, Town Attorney; item received and filed.

Item No. 38 New York State Environmental Health Services - Copy of approval permit to Erie County Water Authority re: Waterline Extension, Coatsworth Sub-division, Part 10.
Copy sent to Supervisor Kenneth J. Meyers; item received and filed.

Item No. 39 Erie County Department of Public Works - Copy of completed sign permit: Walden Avenue, CR #244.
Copies sent to Honorable Members of the Town Board, Captain Robert Lis and Cheektowaga Traffic Safety Commission; item received and filed.

Item No. 40 Erie County Department of Public Works - Correspondence re: Town participation in the Mutual Aid Snow Removal Program.
Copies sent to Honorable Members of the Town Board and John V. Rogowski, Town Attorney; item received and filed.

Item No. 41 Erie County Water Authority - Notice to Bidders for installation of iron pipe between Ridge Park Ave. and Alexander Ave., Town of Cheektowaga (bid opening 8/7/79 at 9:45 a.m.).
Copies sent to Chester L. Bryan, Town Engineer and John Geck, Secretary, Pine Hill Hose Company; item received and filed.

Item No. 42 International Cable - Application for rate increases.
Copies sent to Honorable Members of the Town Board; item received and filed.

Item No. 43 Suburban Buffalo Chapter, Deborah Hospital - Request permission to conduct annual campaign in Town of Cheektowaga.
Copy sent to Supervisor Kenneth J. Meyers; item received and filed.

Item No. 44 Cystic Fibrosis Research Foundation - Urge Town support in Cystic Fibrosis "Breath of Life" Campaign.
Copies sent to Supervisor Kenneth J. Meyers, Local Town Newspapers: "Cheektowaga Bee" and "The Examiner"; item received and filed.

Item No. 45 Notice of Claim - Arthur and Bertha Smith vs. County of Erie and Town of Cheektowaga.
Copies sent to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Alfred Wnek-Highway Superintendent, Town Insurance Company; item received and filed.

Item No. 46 Board of Fire Commissioners, Doyle Fire District No. 1 - Adoption of resolution re: Town providing gasoline to Fire District only in emergency situations.
Copies sent to Honorable Members of the Town Board and George Burst, Auto Mechanic Foreman-Central Garage; item received and filed.

Item No. 47 Sloan Village Board of Trustees - Correspondence re: Town Board resolution of 8/21/78 requesting payment from Village of Sloan for rental of Town Highway equipment.

Copies sent to Honorable Members of the Town Board, John V. Rogowski-Town Attorney, Alfred Wnek-Highway Superintendent, John Malloy-Bixby and Co.; item received and filed.

Item No. 48 Residents of Nassau Lane, Bahama, Kingston, Honduras, Panama, St. Lucia, Nantucket West and Nantucket East - Petition requesting Town Board to rescind amendment to Traffic Ordinance adopted Sept. 7, 1978 re: One-side parking.

Copies sent to John V. Rogowski-Town Attorney, Theodore DeFedericis-Chief of Police, Captain Robert Lis, Alfred Wnek-Highway Superintendent, Cheektowaga Traffic Safety Commission; item received and filed.

Item No. 49 Samuel W. Tadio - Correspondence and resolution relative to Supervisory term of office.

Copy sent to Supervisor Kenneth J. Meyers; item received and filed.

Item No. 50 K.W. Kitzinger, - Correspondence relative to snow removal from private drives and sidewalks.

Copies sent to Honorable Members of the Town Board, Chester L. Bryan-Town Engineer, Alfred Wnek-Highway Superintendent; item received and filed.

Item No. 51 H.J. Sitarek, - Correspondence re: Truck weight limit, dumping behind property and building up bank of Cayuga Creek. Item received and filed.

Motion by Councilman Kaczmarek, seconded by Councilman Dux to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

VI. SUSPENSION OF RULES

Item No. 52 Recreation Dept. - Readvertise for bids for football equipment.

Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, at a regular Town Board meeting held on August 6, 1979 no bids were received for the furnishing of football equipment to the Town of Cheektowaga Recreation Department, and

WHEREAS, it is necessary to readvertise for said football equipment, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to republish a NOTICE TO BIDDERS for furnishing of football equipment to the Town of Cheektowaga Recreation Department. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk; said notice to be published in the CHEEKTOWAGA BEE, and BE IT

FURTHER RESOLVED that the Town Board will meet at 7:00 o'clock P.M., Eastern Daylight Saving Time on August 20, 1979 for the purpose of properly opening and reading the sealed bids.

Item No. 52 Cont'd.

NOTICE TO BIDDERS

SEALED PROPOSALS will be received and considered by the Town Board of the Town of Cheektowaga on August 20, 1979 at 7:00 p.m. Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road for football equipment.

Information for bidders and specifications may be obtained from the Town Clerk at his office in Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
TOWN CLERK

DATED: August 6, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT-NEXT PAGE

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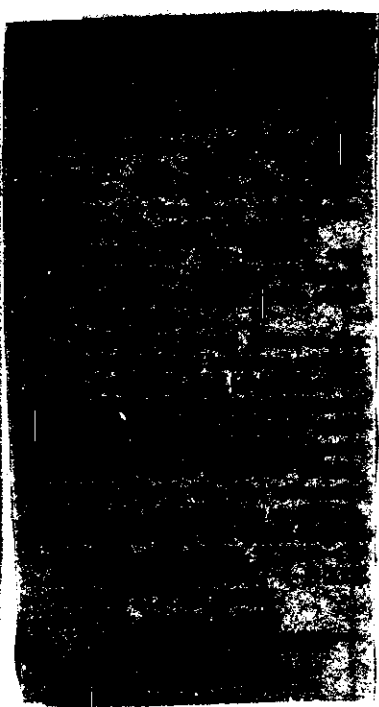
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WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.

..... George J. Measer
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga Bee
public newspaper published at Williamsville
....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week forone.... weeks, the first
insertion being on the 9th day of August.....
1979....., and the last insertion being on the same
day of, 19..... .



Subscribed and sworn to before me this 10th day

of August, 1979

Susan Schasel

Notary Public in and for Erie County Susan Schasel

George J. Measer

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Form N

Item No. 53 Approval of temporary holding tank system for International Harvester Company located at 2425 Walden Avenue.

Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, representatives of the International Harvester Company at 2425 Walden Avenue had installed a septic system to serve the needs of their business in Sanitary Sewer District No. 7, and

WHEREAS, said system is not functioning properly and said representatives have petitioned the Board of Managers of Sanitary Sewer District No. 7 to permit the use of a holding tank system to satisfy their needs, and

WHEREAS, they requested that this holding tank be allowed to be pumped out daily between the hours of 11:00 P.M. and 6:00 A.M., except during periods of surcharged sanitary sewers, NOW, THEREFORE, BE IT

RESOLVED that since the Northeast Interceptor is near completion that this temporary holding tank system for said International Harvester is approved as a temporary measure pending the evaluation of the effectiveness of the Northeast Interceptor which completion is expected within a month.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 54 Motion by Councilman Kaczmarek, seconded by Councilman Dux to adjourn the meeting.

RICHARD M. MOLESKI
TOWN CLERK

B I D S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 20 - August 20, 1979</u>	
2	Engineering - Installation of pipe and furnishing and installation of other related material for Autumnwood, Part III, Drainage Project.	1
3	Recreation - Football equipment.	1

 P U B L I C H E A R I N G S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 20 - August 20, 1979</u>		
4	Proposal to enact "Cheektowaga Games of Chance Licensing Law"	1-2
5	Proposal to enact "Environmental Impact Review Ordinance"	2
6	Proposal to amend "Dog License Fee Ordinance"	2
7	Amendment to Traffic Ordinance - Art. VIII: "Stop & Yield" (Autumnwood Drive)	3

Meeting No. 22 - September 4, 1979

2	Amendment to Traffic Ordinance - Art. X: "Parking, Standing, Stopping" (Zoerb Avenue)	1
3	Proposal to amend "Traffic Violations Bureau Ordinance" (Ord.#24)	2-3
4	Proposal to repeal "Plumbing & Drainage Ordinance and the Building Code"	3
5	Proposal to adopt Local Law #1 for Administration and Enforcement of State Building Construction Code	3-4
6	Proposal to amend cable television franchise re: Rate increases	4

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R E S O L U T I O N S
* * * * *

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 20 - August 20, 1979</u>		
8	Adoption of "Sanitary Landfill Ordinance".	3-4
9	Call for P.H. to amend Traffic Ordinance - Art. X: "Parking, Standing, Stopping" (Zoerb Avenue).	5
10	Call for P.H. on amendments to Traffic Violations Bureau (Ordinance No. 24).	6-7
11	Call for P.H. on repealing the Plumbing & Drainage Ordinance and the Building Code.	8
12	Call for P.H. on Local Law for administration and enforcement of State Building Construction Code.	9-10
13	Call for P.H. on amendment to cable television franchise (rate increase).	11
14	Retention of J. Sacco, Attorney, to represent Town in pending assessment review proceedings.	12
15	Appointment of architect re: Preparation of plans & specs for parks garage & storage facilities at Losson Road Park.	12
16	Authorization for Bldg. & Plumbing Inspector and architects to take action re: Unsafe building located at 270 Dean Road.	12
17	Authorization for Town Attorney's Office to begin proceedings re: Acquisition of properties for extension of Losson Park.	13
18	Authorization for Town Attorney's Office to take legal action regarding future proceedings, entitled "Town of Cheektowaga vs. Dept. of Environmental Conservation, etc."	13-14
19	Request permit from County of Erie to set up truck route system on portions of County roads.	14-15
20	Request Erie County Dept. of Public Works to prepare & supply plans and specs for signalization at intersection of Peppy Pl. and Walden Ave.	15
21	Authorization for Supervisor to execute easement between Celukim, Inc. and Town of Chktg. for drainage purposes.	15-16
22	Authorization for Supervisor to execute easement between K.V.S. Corp. and Town of Chktg. for drainage purposes.	16-17
23	Memorialize Erie County Water Authority to conduct Walden Ave. water line study.	17-18
24	Authorization for Supervisor to sign amendatory agreement for Winterization Program.	18-19
25	Authorization for Supervisor to sign C.D.B.G. Agreement with County of Erie for 1979-80 program year.	19
26	Auth. for Supervisor to sign agreements with performing artists re: Chopin-Paderewski Polish/American Arts Festival.	19
27	Rescind resolution of 6/18/79 re: Auth. for N.Y.S. El. & Gas Corp. to install/remove street lighting in Kelly Drive Park.	19-20
28	Auth. for N.Y.S. El. & Gas Corp. to install/remove street lighting in Kelly Drive Park.	20-21
29	Engineering - Award of bid for Scajaquada Creek Bridges.	21-22
30	Engineering - Award of bid for corrugated beam guide railings.	22-23
31	Engineering - Approval of change order re: Bflo. Sewer Authority Connection of Town of Chktg. Sewer Dist. #5 Pollution Abatement Program.	23-24
32	Engineering - Approval of change order re: Bflo. Sewer Authority Connection of Town of Chktg. Sewer Dist. #5 Pollution Abatement Program.	24-25

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 20 - August 20, 1979 Cont'd.</u>		
33	Engineering - Emergency sewer repairs in San. Sewer Dist. #5.	25
34	Town Clerk's Office - Call for P.H. for rezoning at 1607 Como Park Blvd. (from R-Residential to RC-Restricted Business).	25
35	Town Clerk's Office - Dog Enumerator replacements for 1980 Dog Census; list of substitutes.	26
36	Recreation - Hiring of recreation attendants for remainder of 1979 summer season.	26
37	Create position, entitled "Director of Personal Services".	26-27
38	Appointment to position of "Mechanic Helper" in Central Garage.	27
39	Appointment of four Police Officers in Chktg. Police Department.	27
40	Military leave of absence for Chktg. Police Officer.	27-28
41	Auth. for Clerk of Justice Court to attend Judicial Conference in Loch Sheldrake, NY.	28
42	Auth. for Town Assessor to attend conference in Grossinger, NY.	28-29
43	Warrant List.	29
<u>Meeting No. 21 - August 27, 1979</u>		
2	Procedure to be followed at Town Board Meetings.	1
3	Request N.Y.S. Legislature to include raffles under Games of Chance.	1
4	Call for P.H. for amendment to Traffic Ordinance - Art. XIII: "Truck Exclusions" (Eggert, Sugar, Pine Ridge and Delevan).	2
5	Call for P.H. for enactment of "Underground Storage of Gasoline and other flammable liquids Ordinance"; repeal present Ordinance.	3
6	Decision on amendment to Traffic Ordinance - Art. VIII: "Stop & Yield Intersections" (Autumnwood Drive).	4
7	Decision on "Cheektowaga Games of Chance Licensing Law".	5-6
8	Decision on amendment to "Dog License Fee Ordinance".	7
9	Decision on "Environmental Impact Review Ordinance".	8-12
10	Auth. for Supervisor to sign Release of All Claims regarding Charles M. Solfrank.	13
11	Engineering - Award of bid for installation of pipe for Autumnwood Part III, Drainage Project.	13-14
12	Recreation - Award of bid for football helmets.	14
13	Change Order No. 12 for Northeast Interceptor.	14-15
14	Hiring of seasonal employees in Tax Office.	15
15	Hiring of seasonal laborer in Sanitation Department.	15
<u>Meeting No. 22 - September 4, 1979</u>		
7	Retain attorney to represent Town in pending Assessment Review Proceedings.	4
8	Call for P.H. for rezoning at Southwest corner of Aero Drive.	4-5
9	Notice to Bidders for six (6) new voting machines.	6
10	Notice to Bidders for Beach Road storm sewer system.	7
11	Notice to Bidders for new tires and tubes for Highway.	7
12	Notice to Bidders for Rock Salt, Cinders and Calcium.	8
13	Call for P.H. to accept sealed bids for Town vehicles.	9-10
14	Auth. for application to be made to Supreme Court re: Order to remove/demolish unsafe building located at 270 Dean Road.	11
15	Retain legal counsel regarding N.F.T.A.	11

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 22 - September 4, 1979 Cont'd.</u>	
16	Authorization for Pat Wojcik to attend Senior Citizen excursion.	11
17	Authorization for establishment of Town of Cheektowaga-Trust and Agency Fund - Chapel Book Account.	11-12
18	Transfer of Funds.	12-13
19	Warrant List.	13

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 20 - August 20, 1979</u>	
44	Dr. Louis Vendetti - Health report for month of July, 1979.	29
	<u>Meeting No. 21 - August 27, 1979</u>	
16	Building Permits.	15
	<u>Meeting No. 22 - September 4, 1979</u>	
20	Supervisor's Statement of Funds.	13

 GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 20 - August 20, 1979</u>		
45	N.Y.S.-D.O.T., Real Estate Division - Copy of Agreement of Adjustment and map re: Acquiring portion of bed of Leo Place.	29
46	Erie County Department of Public Works - Notices of Closing Highways: Cunard Avenue and Vegola Avenue.	29
47	Notice of Claim - D.J. Molik, Attorney representing Amy Gill vs. Town of Cheektowaga.	30
48	Notice of Claim and Intention to Sue - Dan Szczerba vs. Town of Cheektowaga.	30
49	Board of Fire Commissioners, Walden Fire Dist. #2 - Copy of resolution adopted 7/5/79 re: Town supply of gasoline to fire district in emergency situations.	30
50	Board of Fire Commissioners, Forks Fire Dist. #3 - Copy of resolution adopted 7/30/79 re: Town supply of gasoline to fire district in emergency situations.	30
51	Board of Fire Commissioners, South Line Fire Dist. #10 - Extract of minutes adopted 7/2/79 re: Town supply of gasoline to fire district in emergency situations.	30
<u>Meeting No. 22 - September 4, 1979</u>		
21	Dale Volker, Senator - Acknowledgement of Town Board resolutions.	13
22	N.Y.S. Dept. of Transportation - Offer of settlement & summary of appraised compensation - Portion of bed of former Williamsville Road.	13
23	N.Y.S. Dept. of Transportation - Notice of Order: Speed limit on Union Road.	13
24	N.Y.S. Dept. of Environmental Conservation - Notices of Appropriation.	13
25	Erie Cty. Dept. of Public Works - Certificate and Notice of Closing Highway: Andres Place.	14
26	Notice of Petition and Petition - Charles & Elizabeth Zawadzki vs. Assessor of the Town of Cheektowaga.	14
27	Petition - GTE Sylvania, Inc. vs. Andrew Schwenk, Assessor.	14
28	Notice of Application for Review - American Telephone & Telegraph Company vs. Town Assessor of the Town of Chktg. and Town of Chktg.	14
29	Notice of Petition - W.N.Y. Property Mgmt. Inc., Marc Equity Corp., Marc Equity Partners I, Mader Corporation Employees Pension and Profit Sharing Trust, David's Acres, Inc., vs. Andrew Schwenk, Assessor, and Board of Assessment Review of the Town of Chktg.	14

S U S P E N S I O N O F R U L E S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 20 - August 20, 1979</u>	
52	Memorialize Erie County Department of Public Works to undertake storm sewer cleaning program along William Street (between Colton Street and Cass Avenue).	30-31
	<u>Meeting No. 21 - August 27, 1979</u>	
17	Retention of law firm in pending Assessment Review Proceedings.	16
18	Authorization for Sr. Citizens Coordinator to apply to Erie County Office for the Aging for additional nutrition site at Infant of Prague Church.	16
	<u>Meeting No. 22 - September 4, 1979</u>	
30	Call for Public Hearing for proposed use of Federal Revenue Sharing Funds.	14-15
31	Hiring of clerk for Youth Bureau under Administrative Intern Program.	16
32	Notice to Bidders for refuse dumping site and/or transfer site.	16

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Jim Kirisits, Deputy Town Attorney; Theodore DeFedericis, Chief of Police; Chester L. Bryan, Town Engineer; Ron Zoeller, Sanitation Department Foreman; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Assistant Manpower Program Director I; Al Thrun, Cheektowaga Traffic Safety Commission; Dr. Louis Vendetti, Town Health Officer; Mrs. Julia Reinstein, Town Historian.

I. BIDS

Item No. 2 Engineering - Installation of pipe and furnishing and installation of other related material for Autumnwood, Part III, Drainage Project.
Referred to Chester L. Bryan, Town Engineer.

Item No. 3 Recreation - Football equipment.
Referred to Ed Leak, Recreation Director.

II. PUBLIC HEARINGS

Item No. 4 This was the time and place advertised for a public hearing to consider the advisability of adopting and enacting a "Cheektowaga Games of Chance Licensing Law" in the Town of Cheektowaga, New York, hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof of publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed "Cheektowaga Games of Chance Licensing Law" being set forth as follows:

*See next page for copy of proposed "Cheektowaga Games of Chance Licensing Law".

CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW

1. Short Title

This ordinance shall be known and may be cited as the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW."

2. Statutory Authority: Applicability

- A. This ordinance is subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law and amendments thereto and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.
- B. This ordinance shall apply to the entire Town of Cheektowaga, outside the limits of the Villages of Depew and Sloan.

3. Definitions

- A. The words and terms used in this ordinance shall have the same meaning as such words and terms used in Article 9-A of the General Municipal Law, unless otherwise provided herein or the context requires a different meaning.
- B. As used in this ordinance, the following terms shall have the meanings indicated:

Officer - The Chief of Police of the Town of Cheektowaga for the purposes of this ordinance, shall be the Chief Law Enforcement Officer thereof.

Town - The Town of Cheektowaga

4. Games of Chance Authorized; License Required

- A. The Town Board of the Town of Cheektowaga, New York hereby provides that it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 9-A of the General Municipal Law to conduct games of chance within the territorial limits of the Town of Cheektowaga, subject to the provisions of this ordinance.

5. Sale of Alcoholic Beverages

During the conduct of games of chance, beer may be offered for sale, but the offering of all other alcoholic beverages is prohibited on games of chance premises.

6. Games Permitted on Sunday

The conduct of games of chance on Sundays is authorized except as otherwise provided in Article 9-A of the General Municipal Law.

7. When Effective

This ordinance shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November of 1979 for the purpose of approving this ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

8. Severability

If any provisions of this ordinance or the application thereof to any person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this ordinance without the invalid provision or application, as the case may be, had such invalidity been apparent.

Item No. 4 Cont'd.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 5 This was the time and place advertised for a public hearing to consider the advisability of adopting and enacting an "Environmental Impact Review Ordinance" and the critical environmental areas identified in such ordinance, in the Town of Cheektowaga, New York. Said ordinance shall provide for a review of actions to determine if such actions may have a significant effect on air, water and land quality. A copy of the proposed "Environmental Impact Review Ordinance" which identifies critical environmental areas is on file in the Town Clerk's Office where the same may be examined during regular business hours.

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 6 This was the time and place advertised for a public hearing to consider the advisability of amending the "Dog License Fee Ordinance" of the Town of Cheektowaga, New York, hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendment being as follows:

Delete: Fees enumerated.

- A. The license fee for males and spayed females shall be four dollars (\$4).
- B. The license fee for unspayed females shall be seven dollars (\$7).

Add: Local license fees enumerated; when effective

- A. Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$2.50 for each dog license issued by the Town of Cheektowaga, New York under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.

	<u>State</u>	<u>Local</u>	<u>Total Fee</u>
Neutered and Spayed Dogs	\$2.50	\$2.50	\$ 5.00
Unneutered and Unspayed Dogs	\$7.50	\$2.50	\$10.00

- B. Local License Fees shall take effect on October 1, 1979.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 7 This was the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof of publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendment being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 80. Stop intersections designated.

The following intersection is designated as a stop intersection and a stop sign shall be erected on the following entrance street.

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
AUTUMNWOOD DRIVE	East-West	BRENTWOOD DRIVE	Northbound	S.E. Corner

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

III. RESOLUTIONS

Item No. 8 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, this Town Board, at a regular meeting held on the 16th day of July, 1979, duly adopted a Resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, on the 6th day of August 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting and enacting a "SANITARY LANDFILL ORDINANCE," and

WHEREAS, notice of said public hearing was duly published as required by law, not less than ten (10) days prior to the date of the hearing; and

WHEREAS, pursuant to said Resolution, a public hearing on said "SANITARY LANDFILL ORDINANCE" was duly held by this Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York, on the 6th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time; and at which hearing all persons interested in the subject matter had an opportunity to be heard; and, at the conclusion thereof, this Town Board took the matter under advisement and has now determined that it is in the public interest to adopt and enact a "SANITARY LANDFILL ORDINANCE."

NOW, THEREFORE, BE IT RESOLVED, that a "SANITARY LANDFILL ORDINANCE" be, and the same hereby is, adopted and enacted, providing as follows:

*See next twelve (12) pages for copy of "Sanitary Landfill Ordinance".

SANITARY LANDFILL ORDINANCE

1. TITLE.

This Ordinance shall be known and may be cited as the "Sanitary Landfill Ordinance of the Town of Cheektowaga, New York."

2. PURPOSE

This Ordinance is adopted in order to promote the health, safety and general welfare of the residents of the Town of Cheektowaga by regulating the establishment and operation of refuse disposal areas known as sanitary landfills.

3. FUNCTION

This Ordinance establishes minimum standards for the design and operation of a sanitary landfill for the disposal of solid wastes, authorizes the issuance of a license for the operation of a sanitary landfill, authorizes the inspection of sanitary landfill operations, limits the materials that may be deposited in a sanitary landfill and fixes penalties for violations.

4. DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Bedrock - cemented or consolidated earth materials exposed on earth surface or underlying unconsolidated earth materials.

Cover Material - soil or other suitable material that is used to cover compacted solid waste in a land disposal site.

Daily Cover - a compacted layer of at least six inches (6") of cover material that is placed on all exposed solid waste in a landfill at the end of each day of operation.

Final Cover - a compacted layer of at least twenty-four inches (24") of cover material, that uppermost six inches (6") of which is soil of a composition suitable to sustain plant growth, that is placed on all surfaces of a landfill where no additional refuse will be deposited within one (1) year.

Garbage - putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

Groundwater Table and Groundwater - mean respectively the seasonally high surface of the zone of full saturation of the soil, at which the groundwater

is subjected to atmospheric pressure, and the water in the ground for which a groundwater table exists.

Hazardous Waste - solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or biological characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or may cause or significantly contribute to a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

Such wastes shall include but not be limited to wastes which are bio-concentrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing, or infectious and shall include wastes that are solid, semisolid, liquid or contained gases.

Industrial Waste - wastes in liquid, semisolid or solid form that result from industrial or commercial processes including but not limited to factories, processing plants, and repair and cleaning establishments, which wastes include but are not limited to sludges, oils, solvents, spent chemicals and acids.

Intermediate Cover - a compacted layer of at least twelve inches (12") of cover material that is placed on all surfaces of a landfill where no additional refuse will be deposited within thirty (30) days.

Leachate - liquid which has percolated through solid waste.

License - a permit issued by the Town Board to operate a sanitary landfill in the Town of Cheektowaga valid from January 1 through December 31.

Lift - the vertical thickness of a compacted volume of solid waste and the cover material immediately above it.

Operator - the person who is responsible for the operation of a solid waste management facility.

Person - any individual, public or private corporation, political subdivision, government agency, department or bureau of the State, municipality, industry, co-partnership, association, firm, trust, estate or other legal entity.

Refuse - all putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, demolition and construction debris, automobile bodies, offal and solid commercial and industrial wastes.

Runoff - the portion of precipitation that drains from an area as surface flow.

Sanitary Landfill - a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

Solid Waste - all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owner(s) at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles, and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form.

Surface Water - lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private.

Working Face - that portion of a sanitary landfill where waste is discharged and compacted prior to placement of cover material.

5. LICENSE REQUIRED.

It shall be unlawful for any person to develop or operate a sanitary landfill within the limits of the Town of Cheektowaga without holding a valid license to operate a sanitary landfill issued by the Town Board.

6. APPLICATION AND RENEWAL PROCEDURES; FEES.

- A. License applications shall be submitted to the Town Clerk. After review and recommendations from the Planning Board and the Engineering Department, the Town Board shall approve, disapprove or approve conditionally the applications. Upon approval by the Town Board, a one-year license to operate a sanitary landfill shall be issued by the Town Clerk.
- B. Annual license renewals shall be approved by the Town Board. A written request for license renewal shall be submitted to the Town Clerk sixty (60) days prior to the expiration date of the license to be renewed. The applicant shall state in writing whether there is any change in the information contained in the original license application. When changes in license provisions are sought, the applicant shall submit the revised application, and the same procedures shall be followed as prescribed for an original license application. In granting license renewals, the Town Board shall review the applicant's demonstration of compliance with permit regulations for the previous operating year. License renewals shall be for a maximum of nine (9) years.

- C. The fee to be submitted with the application for a sanitary landfill license shall be two hundred fifty (\$250.00) dollars.
- D. The fee for renewal of the license shall be two hundred fifty (\$250.00) dollars annually.

7. APPLICATION REQUIREMENTS.

Application for a sanitary landfill shall include the following information, which shall become a part of any approved license:

- A. Location map, at a scale of one (1) inch equals one-half ($\frac{1}{2}$) mile, contoured at ten-foot intervals.
- B. Topographical maps of proposed fill and adjacent areas, certified by a person or firm registered to practice land surveying in the State of New York, at a scale of one (1) inch equals two hundred (200) feet at two-foot contour intervals, which shall include the following:
 - (1) Proposed fill area and depth.
 - (2) Borrow pit areas.
 - (3) Typical cross sections of lift, and dimensions and elevations of the base lifts.
 - (4) Special drainage and leachate sealing procedures to protect ground and surface water.
 - (5) Grades required for the proper drainage of each lift, and final grade.
 - (6) Location and elevation of public and private water supplies, wells, springs, streams, swamps or other bodies of water within one (1) mile of the proposed landfill property lines.
 - (7) Location of all homes, industrial buildings, roads and other applicable details within three-fourth ($\frac{3}{4}$) mile of the disposal site.
 - (8) Wind patterns and velocities, by rose.
 - (9) Location of underground and surface mines within one-fourth ($\frac{1}{4}$) mile of the proposed landfill site property lines, showing the extent of deep mine workings, the elevation of the mine pool and the location of mine pool discharges.

- (10) Location and elevation of the water table, including seasonal variations thereof, and drainageways.
- (11) Location of gas and oil wells.
- (12) Location of high-tension power line rights-of-way.
- (13) Location of fuel transmission pipeline rights-of-way.
- (14) Location of highest ground and surface water and elevations.
- (15) Location of access routes and approach roads.
- (16) Fire control and water supply.
- (17) Property boundaries.
- (18) On-site roads.
- (19) Ground cover and other physical features on the site, if applicable.
- (20) Location of test wells.
- (21) Location of bench mark. A bench mark shall be established and maintained at the site.

Engineering plans, reports and specifications submitted for approval shall be prepared by a person or firm registered to practice professional engineering in the State of New York.

C. Topographical map for terminal treatment

- (1) The applicant shall provide a topographical map at a scale of one (1) inch to two hundred (200) feet on two-foot contours, showing completed grade after settlement not exceeding contours of site boundary. (See Section I-9)
- (2) The applicant shall include a detailed program for closure of the facility proposed for implementation when use of the facility permanently terminates.

D. Soil hydrogeological characteristics

- (1) The applicant shall provide a report on the soils and the geological and groundwater characteristics of the proposed site, based on sound geological investigation,

including depth and pitch of bedrock, either from on-site testing or reliable survey data.

- (2) Borings or wells shall be drilled five (5) feet into the groundwater or bedrock or twenty (20) feet below the base of the proposed landfill, whichever is shallower. One (1) boring or well shall be drilled near the point of highest elevation.
- (3) A minimum of one (1) groundwater monitoring well shall be drilled in each dominant direction of groundwater movement in order to check the effect of operations on original groundwater quality.
- (4) Test wells surrounding the site shall not be more than five hundred (500) feet apart.
- (5) Characteristics of cover material may include soil surveys from soil conservation services.
- (6) Characteristics of base material shall be shown in the same manner as above or by test borings to bedrock.
- (7) A report to be prepared by geologists shall be included.

8. REGULATIONS FOR DESIGN AND OPERATION.

A. Weighing facilities shall be provided.

B. Operational facilities shall be provided.

- (1) There shall be provided a list of proposed disposal equipment, showing numbers, types and size, as well as equipment shelters.
- (2) Personnel facilities shall include locker rooms, toilets, showers, and a safe drinking water supply.
- (3) Facilities shall include all necessary utilities.

C. Characteristics of cover material.

- (1) Cover material shall be suitable soil or other material which shall have a medium to moderately coarse texture and shall be of such character that it compacts well, does not crack excessively when dry and is relatively free of decomposable material and large objects.
- (2) Where cover material is limited to quantity or is not available on the site, design and operational plans

must include a description of a source of cover material, indicating such things as soil type, volumes to be used, transport methods and contract arrangements.

D. Prevention of groundwater pollution.

- (1) To minimize risk of groundwater pollution from landfill leachate, an impermeable membrane shall be provided.
- (2) Migration of leachate within the landfill shall be funneled to a point where it can be collected in a reservoir on or below the surface and treated before discharge. This may be accomplished by ditches, tile drains or pumping wells.

E. Prevention of surface water pollution.

- (1) Cover material and drainage control structures shall be designed, graded and maintained to prevent ponding and erosion and to reduce to a minimum infiltration of water into the solid waste cells. Surface runoff shall be monitored weekly and shall pass into a catch water basin and be treated before discharge.
- (2) The catch basin shall be constructed to prevent leaching and shall have a compacted clay or impermeable membrane lining.
- (3) Facilities shall be shown to treat the catch basin effluent suitable for discharge into a Class B stream.
- (4) Drainageways from the landfills shall not in any way modify the water table or other resources.

F. Gas venting. Vents shall be provided as necessary in each cell to prevent the accumulation of gas. Construction design shall be shown.

G. Provision for access roads.

- (1) Access roads to the entrance of the landfill shall be surfaced with such materials as asphalt or gravel and shall be provided with a base capable of withstanding anticipated load limits. Prevention of dusting shall be required. Roads shall be maintained safe and passable at all times.

- (2) An all-weather access road negotiable by loaded collection vehicles shall be provided from the entrance gate of the landfill to the unloading area.
- (3) Signs indicating traffic flow and hours of operation shall be provided. Access to the facility shall be permitted only when an attendant is on duty.

H. Prohibited materials.

- (1) The following materials shall be prohibited from the landfill: radioactive wastes, inorganic wastes such as chromium, arsenicals, cadmium and heavy metals (lead, mercury), organic liquids, industrial wastes, flue dusts containing toxic residues and any wastes which might become biologically harmful in a leachate or promote degradation of the particular membrane composition used. No hazardous or industrial waste nor materials which when combined together will produce hazardous waste shall be disposed of.
- (2) Unloading areas shall be specified and restricted to a proper distance from the working face so as to permit collection vehicles to unload promptly.
- (3) An attendant shall direct vehicles to unloading areas.
- (4) The operator shall show the method of confinement of windblown waste within the operating landfill area.
- (5) Supervision shall be continuously available to coordinate the unloading activities with all construction and covering.
- (6) All large foreign objects which will not provide full contact surface area or which may result in the introduction of an air pocket to the fill shall be removed.

I. Cover, Compaction and Grading Requirements

- (1) Solid waste shall be spread in two foot layers or less and compacted upon deposition at the working face. The working face shall be restricted to the smallest area practicable.

- (2) The size of the active fill area shall be confined to ensure that blended waste will be spread, compacted and covered daily.
- (3) Each lift shall have a minimum of twelve inches (12") of cover. Lift height shall not exceed ten feet (10').
- (4) Six inches (6") of daily cover shall be placed upon all exposed solid waste at the end of each operating day.
- (5) Intermediate cover shall be applied whenever an additional lift of refuse is not to be applied within thirty (30) days.
- (6) Final cover shall be applied in each of the following circumstances:
 - a. Whenever an additional lift of refuse is not to be applied within one (1) year;
 - b. To any area of landfill attaining final elevation, within ninety (90) days after such elevation is attained;
 - c. To an entire landfill which is the subject of an application that is denied or a permit that terminates for any reason, within ninety (90) days of such denial or termination.
- (7) All fill areas or excavations shall terminate no closer than fifty feet (50') from the boundary lines of the property on which the landfill is operated.
- (8) The final earth covering for surface and side slopes shall be compacted and maintained at a depth of at least twenty-four inches (24").
- (9) The maximum side slope shall be three percent (3%) as measured from the lowest boundary elevation. A minimum side slope of one percent (1%) shall be provided for adequate drainage.

J. Equipment

Equipment shall be sufficient for the on-site pretreatment, size reduction, blending, spreading, compacting and daily covering operations.

K. Fire, health and safety protection

- (1) Fire protection and fire-fighting facilities adequate

to ensure the safety of employees and provisions to deal with accidental burning of blended wastes within the landfill shall be provided.

- (2) Emergency first-aid equipment for adequate treatment of injuries shall be provided.
- (3) Fences shall be provided to enclose the landfill to discourage unauthorized people from entering the fill. Fencing must be mechanically and aesthetically acceptable and approved by the Town Building Inspector.
- (4) Signs indicating the nature of the landfill and specific hazardous areas shall be provided.
- (5) A telephone or equivalent type of communication shall be available at the fill site.
- (6) Twenty-four-hour surveillance over the fill site shall be maintained with appropriate security.
- (7) The fill operation shall be monitored full-time daily by an agent of the Town of Cheektowaga.
- (8) The landfill operator shall provide a reference sample and test report from each test well, weekly, to the town's monitoring agent.
- (9) The catch basin effluent shall be monitored continuously to meet state and federal standards.
- (10) The operator shall provide all necessary services to prevent infestation by scavengers, rodents or insects.

L. Operational records.

A permanent written log shall be maintained by the landfill operator, including the following information:

- (1) Source of each load deposited.
- (2) Types, quantities and weight of wastes received.
- (3) The location in the landfill on a fifty-foot grid of the landfill plot plan.
- (4) Any deviation from the operating plans and specifications.

9. AGENT OF THE TOWN.

- A. The agent of the town shall be a person approved by the Town Board of the Town of Cheektowaga employed by the landfill operation to act in the best interests of the town and to protect the health, welfare and safety of the residents of the Town of Cheektowaga.
- B. Duties of agent.
 - (1) The agent shall monitor the landfill operation.
 - (2) The agent shall continuously monitor the material brought for disposal.
 - (3) The agent shall report bimonthly to the Town Board of the Town of Cheektowaga and report any deviation from the rules and regulations for the sanitary landfill.
- C. Salary of town agent. The salary of the town agent shall be paid by the landfill operator and shall be based on appropriate civil service rates.

10. USE FEE.

A use fee shall be charged based on five percent (5%) of the operator's dumping charge as determined by daily log records and shall be payable monthly to the Town of Cheektowaga on or before the 10th day of the month following.

11. TERMINAL RECOVERY.

The operator shall provide a minimum bond of five thousand (\$5,000.00) per acre to insure terminal recovery of the landfill area as outlined on the permit application. The bond shall remain in effect for five (5) years after terminal recovery.

12. DUMPING LIMITED TO SANITARY LANDFILLS.

The dumping of garbage, trash, junk of waste material shall be prohibited in all parts of the Town of Cheektowaga except those approved for sanitary landfills.

13. SUSPENSION OR TERMINATION OF LICENSE.

- A. Any legal evidence of infractions of the rules and regulations for the operation of the landfill shall justify the termination of the license after a duly held hearing before the Town Board.

- B. Any legal evidence of pollution by leachate in the test wells or surface water effluent shall justify suspension of the license by the Town Board.

14. PENALTIES FOR OFFENSES.

- A. Any person who commits or permits any act or acts in violation of any of the provisions of this law shall be deemed to have committed a violation against such law and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- B. For every violation of any provision of this law, the person violating the same shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment not exceeding fifteen (15) days, or to both such fine and imprisonment.
- C. Conviction for any above-mentioned violation shall constitute and effect an immediate forfeiture of the license.
- D. Any person violating this law shall be subject to a civil penalty enforceable and collectible by the town in the amount of one hundred dollars for each such violation. Such penalty shall be collectible by and in the name of the town for each day that such violation shall continue.
- E. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such law.

15. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

16. EFFECTIVE DATE.

Upon adoption by the Town Board, this Ordinance shall take effect ten (10) days after its publication as required by the laws of the State of New York, except this Ordinance 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, showing the date of its passage and entry in the minutes.

Item No. 8 Cont'd.

and

BE IT FURTHER RESOLVED, that a copy of this Resolution, and the "SANITARY LANDFILL ORDINANCE" be entered in the minutes, and published at least once in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and

BE IT FURTHER RESOLVED, that the affidavit of such publication shall be filed with the Town Clerk.

Upon Roll Call....

AYES:	Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES:	0
ABSENT:	0

AFFIDAVIT-NEXT PAGE

Bee Publications Inc.

Publishers Of:

**Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee**

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Jean Mugler

being duly sworn, deposes and says that she is the
Ass't to the Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 23rd day of August,
1979, and the last insertion being on the same
day of , 19 .

Subscribed and sworn to before me this 23rd day

Jean Mugler

of August, 19 79

Susan Schasel *Susan Schasel*

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1982

(Continued from Page 10)

tion by leachate in the test wells or surface water effluent shall justify suspension of the license by the Town Board.

14. PENALTIES FOR OFFENSES.

A. Any person who commits or permits any act or acts in violation of any of the provisions of this law shall, be deemed to have committed a violation against such law and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

B. For every violation of any provision of this law, the person violating the same shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment not exceeding fifteen (15) days, or to both such fine and imprisonment.

C. Conviction for any above-mentioned violation shall constitute and effect an immediate forfeiture of the license.

D. Any person violating this law shall be subject to a civil penalty enforceable and collectible by the town in the amount of one hundred dollars for each such violation. Such penalty shall be collectible by and in the name of the town for each day that such violation shall continue.

E. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such law.

15. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

16. EFFECTIVE DATE.

Upon adoption by the Town Board, this Ordinance shall take effect ten (10) days after its publication as required by the laws of the State of New York, except this Ordinance 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, showing the date of its passage and entry in the minutes.

and

BE IT FURTHER RESOLVED, that a copy of this Resolution, and the "SANITARY LANDFILL ORDINANCE" be entered in the minutes, and published at least once in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and

BE IT FURTHER RESOLVED, that the affidavit of such publication shall be filed with the Town Clerk.

Upon roll call —

Supervisor Meyers Voting AYE
Councilman Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Dux Voting AYE

Councilman Kaczmarek Voting AYE

Councilman Burst Voting AYE
Councilman Wegner Voting AYE

AYES: 7

NAYES: 0

ABSENT: 6

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI,
Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 20, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 8, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 20th day of August, 1979.

(SEAL)

Richard M. Moleski
Town Clerk

aug. 23

Item No. 9 Motion by Councilman Johnson, seconded by Councilman Wegner

BE IT RESOLVED that a Public Hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 4th day of September, 1979 at 7:00 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in the EXAMINER, on the 23rd day of August, 1979; said amendment being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 4th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE South side: from the west curb line of NANTUCKET DRIVE W. to east curb line of UNION ROAD

Section 102 is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

ZOERB AVENUE North side: from the west curb line of NANTUCKET DRIVE W. to east curb line of UNION ROAD

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: August 20, 1979

RICHARD M. MOLESKI
TOWN CLERK

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 20 day of Aug., 1977 and ending on the ___ day of ___, 19__

Signed (CP)
James Charters
Sworn to before me, on the 23
day of Aug., 1977
Carol M. Smith
Notary Public

CAROL M. SMITH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 4th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE, South side: from the west curb line of NANTUCKET DRIVE W. to the east curb line of UNION ROAD.

Section 102 is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE, North side: from the west curb line of NANTUCKET DRIVE W. to east curb line of UNION ROAD.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK.

Dated: August 20, 1979

RICHARD M. BOLESON
Town Clerk

M2 1098A
5/10/79

Item No. 10 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town Justices of the Town of Cheektowaga have recommended that certain provisions of the "TRAFFIC VIOLATIONS BUREAU" of the Town of Cheektowaga, New York, also known as Ordinance No. 24, be amended;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 4th day of September, 1979 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the "TRAFFIC VIOLATIONS BUREAU" of the Town of Cheektowaga, New York shall be amended as provided in the attached Notice of Hearing; and

BE IT FURTHER RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the hearing.

NOTICE OF HEARING ON PROPOSAL TO AMEND

TRAFFIC VIOLATIONS BUREAU

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 20th day of August, 1979, and in accordance with the Town Law of the State of New York a public hearing will be held on the 4th day of September, 1979 at 7:00 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the provisions of the "TRAFFIC VIOLATIONS BUREAU" of the Town of Cheektowaga, New York shall be amended and changed as follows:

*See next two (2) pages for amendments to "Traffic Violations Bureau".

TRAFFIC VIOLATIONS BUREAU

AMENDMENTS

1. RESOLVED that Section 1 of the Traffic Violations Bureau which

reads:

"Pursuant to Article 14B - Sections 370, 371, 372, and 373 of the General Municipal Law, the Town Board of the Town of Cheektowaga hereby authorizes the Justice Court of the Town of Cheektowaga to establish a Traffic Violations Bureau to aid said Court in the disposition of traffic offenses when such offenses shall not constitute a traffic infraction known as speeding or a misdemeanor or felony and standing violations."

shall be amended by the repeal of the words "and standing violation

2. RESOLVED that Section 3 of the Traffic Violations Bureau which

reads, in part:

"Said Traffic Violations Bureau so established is authorized to dispose of traffic violations of traffic laws, ordinances, rules and regulations of the State or Local Laws . . ."

shall be amended by the repeal of the words "of the State or Local Laws."

3. RESOLVED that Section 4 of the Traffic Violations Bureau which

reads:

"Section 4 - Procedure

Whenever any motor vehicle owner, operator, chauffeur or driver shall be found by a Police Officer in violation of any traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony said police officer may affix a tag to said vehicle or serve a summons on said owner, operator, chauffeur or driver, which tag or summons shall contain a notice of the particular violation, directed to the said owner, operator, chauffeur or driver and require such person within twenty-four (24) hours to take said tag or summons to the Traffic Violations Bureau of the Town of Cheektowaga and give the name and address of the owner, operator, chauffeur or driver, who had charge of said vehicle at the time of the violation as stated in said notice and pay a prescribed sum to the person or persons in charge of the Traffic Violation Bureau of the Town of Cheektowaga; or on a form hereinafter prescribed, give the name and address of the owner, operator, chauffeur or driver who had charge of said vehicle at the time of the violation as stated in the said notice with a remittance payable to the Traffic Violations Bureau of the Town of Cheektowaga, for the prescribed sum which may be mailed to the Traffic Violations Bureau of the Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York.

If such person does not appear, send or mail the tag or summons and pay the prescribed sum within twenty-four (24) hours, a summons shall be issued for his appearance in the Justice Court of the Town of Cheektowaga to answer the charge.

Acceptance of the prescribed sum by the Traffic Violations Bureau of the Town of Cheektowaga shall be the offense, and the violator shall be given a receipt which so stated."

shall be repealed in its entirety and a new Section 4 be enacted to read as follows:

"Section 4 - Uniform Parking Complaint.

The Town Justices of the Town of Cheektowaga shall be authorized to prescribe the form of complaint in all cases involving a violation of any traffic law, ordinance, rule or regulation relating to parking, which complaint shall be known as 'Parking Violations Ticket.'"

4. RESOLVED that Section 6 of the Traffic Violation Bureau which

reads:

"The Justice Court shall designate the fines to be paid for offenses which may be satisfied by the bureau as hereinbefore stated, provided such fines are within the limit established for such offenses."

shall be amended by repeal of the words "by the bureau," and the substitution therefor of the words "at the Bureau."

5. RESOLVED that the first sentence of Section 7 of the Traffic Violations Bureau which reads:

"The Traffic Violations Bureau as herein authorized shall maintain a record of all fines collected and the disposition thereof."

shall be repealed in its entirety and a new first sentence be enacted to read as follows:

"The Traffic Violations Bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also maintain a record of all fines collected and the disposition thereof.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,

NEW YORK.

Dated: August 20, 1979

RICHARD M. MOLESKI

Item No. 10 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

ON

C.

~~Enterprise Bee~~ Lancaster Enterprise
and Cheektowaga Bee

MAIN STREET,
SVILLE, N.Y. 14221
PHONE: 632-4700

Jean Mugler

being duly sworn, deposes and says that she is the

Ass't to the Publisher of the

Cheektowaga News, a

public newspaper published at

Williamsville, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 23rd day of August

1979, and the last insertion being on the same

day of , 19.

Subscribed and sworn to before me this 23rd day

of August, 1979

Susan Schasel

Susan Schasel

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Jean Mugler

Item No. 11 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Building and Plumbing Inspector's Office has recommended that the existing "PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE" of the Town of Cheektowaga, enacted December 21, 1942, be repealed on the 20th day following the adoption of LOCAL LAW NO. 1 OF THE YEAR 1979 entitled " A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE",

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 4th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board members whether the "PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE" of the Town of Cheektowaga, enacted December 21, 1942, shall be repealed; and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the hearing.

N O T I C E O F H E A R I N G

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 20th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 4th day of September, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "PLUMBING AND DRAINAGE ORDINANCE AND BUILDING CODE" of the Town of Cheektowaga, enacted December 21, 1942, shall be repealed on the 20th day following the adoption of the LOCAL LAW NO. 1 FOR THE YEAR 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE".

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: August 20, 1979

RICHARD M. MOLESKI
TOWN CLERK

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



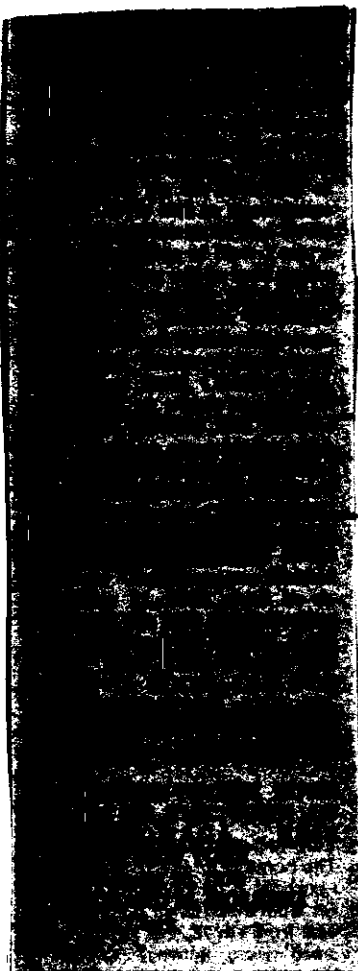
Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

TATE OF NEW YORK }
COUNTY OF ERIE }

ss.



... Jean Mugler
being duly sworn, deposes and says that she is the
Ass't to the Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 23rd day of August,
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 23rd day

Jean Mugler

of August, 19 79

Susan Schasel *Susan Schasel*
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 12 Motion by Councilman Wegner, seconded by Councilman Johnson

BE IT RESOLVED that a Public Hearing on the proposed adoption of Local Law No. 1 of the Year 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" be held on the 4th day of September, 1979 at 7:00 P.M. Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said "LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA BEE, on August 23, 1979.

NOTICE OF PUBLIC HEARING ON
LOCAL LAW NO. 1 OF THE YEAR 1979
A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT
OF STATE BUILDING CONSTRUCTION CODE

NOTICE IS HEREBY GIVEN THAT there has been introduced before the Town Board of the Town of Cheektowaga, New York on August 20, 1979, LOCAL LAW NO. 1 FOR THE YEAR 1979, entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE."

LOCAL LAW NO. 1 OF THE YEAR 1979

A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT
OF STATE BUILDING CONSTRUCTION CODE

This local law shall provide for the administration and enforcement of the provisions of all laws, codes, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures, and appurtenances located within the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

The New York State Building Construction Code will be the official code for the purpose of prescribing regulations governing construction within the limits of the Town of Cheektowaga.

The provisions of this Code shall be administered and enforced by the Building Inspector of the Town of Cheektowaga.

Nothing in this Code shall be construed to modify or to prevent the application and enforcement of the Zoning Ordinance, Sewer Use Ordinance, Fire Code, or any other law which prescribes more restrictive limitations.

A complete copy of proposed LOCAL LAW NO. 1 OF THE YEAR 1979, entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" is available at the Office of the Town Clerk for the inspection by and distribution to any person during business hours.

NOTICE IS FURTHER GIVEN THAT the Town Board will conduct a public hearing on the proposed local law at Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at 7:00 o'clock P.M., Eastern Daylight Saving Time on the 4th day of September, 1979, at which time all interested persons will be heard.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,
NEW YORK.

Dated: August 20, 1979

RICHARD M. MOLESKI
TOWN CLERK

*See next twelve (12) pages for copy of proposed Local Law No. 1.

RECEIVED

LAW FOR ADMINISTRATION AND ENFORCEMENT OF

STATE BUILDING CONSTRUCTION CODE

SEP 10 1979

Richard M. Moleski, Town Clerk

13-1 Title; Legislative Intent

This local law shall be known as the "LAW FOR ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CONSTRUCTION CODE"; and together with the State Building Code will be hereinafter referred to as this Code.

It is the intent of this local law to provide for the administration and enforcement of the provisions of all laws, codes, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures, and appurtenances located within the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

13-2 Applicable Standards

The New York State Building Construction Code is recognized as the official code for the purpose of prescribing regulations governing construction within the limits of the Town of Cheektowaga.

13-3 Administration and Enforcement

The provisions of this Code shall be administered and enforced by the Building Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this Code and by Section 138 of the Town Law of the State of New York.

13-4 Restrictions On Employees

The Building Inspector or any officer or employee of the Building Inspection Department shall not engage in any activity inconsistent with his duties, or with the interests of the Building Inspection Department; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of the construction, alteration, demolition, or maintenance of a building, or the preparation of plans, or specifications thereof, within the Town of Cheektowaga, excepting that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or a structure owned by him for his own personal use and occupancy, or for the use and occupancy of members of his immediate family, and not constructed for sale.

13-5 Duties and Powers of Building Inspector

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances, and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, including plumbing and drainage work therein, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.
- B. He shall have the power to adopt rules, with the consent of the Town Board, to secure the intent and purposes of this Code and a proper enforcement of the laws, ordinances and regulations governing building construction, alteration or repair, and plumbing and drainage work in or adjacent to any building or structure.

- C. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits for the erection, alteration, removal, repair, and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued, for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.
- D. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications to install any new plumbing or drainage work in or adjacent to a building or structure, or to extend or alter any existing plumbing or drainage work, whether such work is to be connected with a sewer or not.
- E. He shall, on complaint or other information, examine existing and completed buildings and structures, as well as buildings and structures under construction, and shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards, during the construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances and regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from other employees of the Building Inspection Department or from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.
- F. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative laboratories and/or service bureaus or agencies.
- G. He shall adopt such administrative rules and regulations as may be necessary or desirable for the enforcement and application of this Code, and all persons making application to the Building Inspection Department or subject to this Code shall comply with such rules and regulations, copies of which shall remain on file in the office of the Building Inspector at all times.
- H. He shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the State Building Construction Code which such certificate shall certify that the building conforms to the requirements of the State Building Construction Code.

13-6 Department Records and Reports

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records.
- B. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

13-7 Prohibitions; Penalties

In accordance with Article 18 of the Executive Law of the State of New York:

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any of the provisions of this code or to fail in any manner to comply with any notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit, Plumbing Permit or Certificate of Occupancy.
- B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this code or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by thirty (30) days in jail, or both. Each day that each violation continues shall be deemed a separate offense.
- C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

13-8 Abatement of Violation

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

13-9 Permit Requirement; Commencement and Performance of Work; Stop Work Orders; Revocation of Permits

A. Application for Building Permit; Plumbing Permit

- (1) No person, firm or corporation shall commence erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or installation therein of any building or structure or change in nature the occupancy of any building or structure without first obtaining an appropriate permit from the Building Inspector, except that no permit shall be required for the performance of repairs which are not structural in nature and do not entail plumbing, electrical, heating or venting.
- (2) Application for a permit shall be made to the Building Inspector on forms available in the office of the Building Inspector. Applicants shall provide information and documents as may be required in the discretion of the Building Inspector or required in accordance with his established policy and procedure or rules and regulations and as otherwise required by this code or other applicable codes and ordinances, rules or regulations of the Town.
- (3) Application for a permit shall be made by the owner or lessee or the agent of either or by the architect, engineer or builder employed in connection with the proposed work.
- (4) Each application for a building permit shall be accompanied by plans and specifications bearing the signature of the person responsible

for the design and drawings and, where required by Section 7302, as amended, of article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

- (5) In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained by a plumber licensed by the Town of Cheektowaga.
- (6) Amendments to the application or to the plans and specifications may be filed at any time prior to completion of the work. Such amendments shall likewise be subject to the approval of the Building Inspector.

B. Issuance or Denial of Building Permits

- (1) The Building Inspector shall review or cause to be reviewed all applications for permits together with the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.
- (2) Upon approval of the application and upon the receipt of any and all required fees therefor, the Building Inspector shall issue a permit to the applicant upon the form prescribed by the Building Inspector and shall affix his signature or cause his signature to be affixed thereto.
- (3) Fees collected shall be as specified on the Building Permit Fee Schedule or on the Plumbing Permit Fee Schedule, as approved by Town Board resolution.

C. Performance of Work Under Building Permit or Plumbing Permit; Conditions of Permit

- (1) A building permit shall be considered authorization to commence work, for a period of six (6) months after the date of its issuance, in accordance with the application, plans and specifications as approved by the Building Inspector. Except for Building or Plumbing Permits issued for demolition purposes, work shall commence within ninety (90) days of the date of issuance. For permits issued for demolition purposes, work shall commence within fifteen (15) days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date, except that the Building Inspector may postpone such expiration date not more than six (6) months at his discretion.
- (2) It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.
- (3) The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.
- (4) Permits, plans and surveys approved by the Building Inspector shall be available on the job site at all times during the progress of construction. Permits issued by the Building Inspector shall be

displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

- (5) Notice in writing shall be given to the Building Inspector at least twenty-four (24) hours before the commencement of any work requiring a permit.
- (6) Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the Building Inspector shall be notified, in writing, and permission shall be secured before installing insulation, lath, plaster, plaster-board or any other covering thereon.

D. Stop Work Orders

Whenever the Building Inspector has reasonable grounds to believe that work on or in any building or structure is being prosecuted in violation of the provisions of the applicable building or plumbing laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

E. Revocation of Permits

The Building Inspector shall have authority to revoke permits theretofore issued in the following instances:

- (1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specification on which the building permit was based;
- (2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law;
- (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or
- (4) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

13-10 Right of Entry

The Building Inspector and each of those personnel designated by him upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

13-11 Supervision of Construction

- A. No building which is to have a total floor area in excess of ten thousand (10,000) square feet shall be constructed except under the supervision of a professional engineer or architect licensed or registered in the State of New York

- B. No permit will be issued for the construction of a building which is to have a total floor area in excess of ten thousand (10,000) square feet until an affidavit is filed with the Building Inspector certifying that the construction of such building will be supervised by a professional engineer or architect licensed or registered in the State of New York. The affidavit shall be signed and sworn to by the engineer or architect who will supervise the construction of such building, and shall have his professional seal affixed. In the event such engineer or architect shall, for any reason, discontinue his supervision of the building at any time prior to the completion, he shall immediately notify the Building Inspector of such fact and thereupon the building permit issued for such construction shall be suspended and no further work shall be done thereunder until another such affidavit shall be filed with the Building Inspector certifying that supervision of the construction has been resumed by another or the same engineer or architect.
- C. No Certificate of Occupancy will be issued for a building having a total floor area in excess of ten thousand (10,000) square feet until a final certificate is filed with the Building Inspector by the engineer or architect who supervised the construction, that the building was in fact erected in conformity with the plans therefor filed with the Building Inspector.

13-12 Abandonment of Project

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all incompletd structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

13-13 Highway, Sanitary Sewer and Water Line Required

No building permit shall hereafter be issued for the construction of a building upon any property located within the boundaries of any existing sanitary sewer district or extension thereof, unless the highway adjoining the property upon which said structure is to be placed has the following improvements:

- A. A highway constructed and completed to comply with specifications of the Town Highway Superintendent, and other regulations of the Town of Cheektowaga, New York.
- B. A lateral sanitary sewer in the highway, connected with the sanitary sewer system of the sanitary sewer district in which the property is located to comply with the rules and regulations of New York State and/or the Erie County Health Departments.
- C. A water line in the highway or on private property constructed to conform with the rules and regulations of the Erie County Water Authority or satisfactory proof that a contract has been entered into with the Erie County Water Authority for such construction.

In the event that all of the aforementioned utilities are not installed at the time the application for a Building Permit is made, the Town Board may issue a permit provided the applicant for a permit furnishes the Town of Cheektowaga with a Surety Bond in an amount fixed by the Town Board, conditioned that the highway and the sanitary sewer serving such structure will be constructed within six (6) months after the issuance of the Building Permit, and that all other provisions of this Ordinance will be fully complied with.

12-14 Certificate of Occupancy; Requirements; Temporary Certificates of Occupancy

A. Certificate of Occupancy; Requirements

- (1) No building hereafter erected, enlarged, extended or altered shall be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Inspector. This provision shall not apply to enlargements or extensions of single family dwellings where the original floor area is not increased by more than twenty-five (25) percent.
- (2) No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued by the Building Inspector.
- (3) An application for a Certificate of Occupancy shall be made by the owner or his agent on forms provided by the Building Inspection Department. Accompanying this application and before the issuance of a Certificate of Occupancy, there shall be filed with the Building Inspector a survey of the land and structures under the seal and signature of a land surveyor authorized to practice in the State of New York and any other documents that may be required by the Building Inspector.
- (4) Before issuing a Certificate of Occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a Building Permit to construct, enlarge, alter, repair, or change the use or nature of occupancy and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a Building Permit or Plumbing Permit has been issued. There shall be maintained, in the Building Inspection Department, a record of all such examinations and inspections together with a record of findings of violations of the law.
- (5) When after final inspection it is found that the proposed work has been completed in accordance with the applicable Building Code, Ordinances, Rules and Regulations and also in accordance with the application, approved plans and specifications filed in connection with the issuance of a Building Permit or Plumbing Permit; the Building Inspector shall issue a Certificate of Occupancy upon the form provided by him.
- (6) If it is found that the proposed work has not been properly completed, the Building Inspector shall not issue a Certificate of Occupancy and shall order the work completed in conformity with the Building Permit or Plumbing Permit and in conformity with the applicable Building Code, Ordinances, Rules and Regulations and the approved plans.
- (7) The Building Inspector shall act to issue or deny an application for a Certificate of Occupancy within thirty (30) days after written application therefor is made if all work has been completed and final inspections can be made.
- (8) The Certificate of Occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable Building Law, Ordinance, Rules and Regulations and shall specify the use or uses and the extent thereof which the building or structure or its several parts may be put. Except as otherwise provided by law, a Certificate of Occupancy issued through error of fact or law shall not be valid.

B. Temporary Certificate of Occupancy

Upon request, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure or part thereof before the entire work covered by the Building Permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. The temporary Certificate of Occupancy shall remain in effect for the period of time stated in the condition, which period of time may be extended by the Building Inspector for good cause.

13-15 Board of Plumbing and Drainage Examiners

The Board of Plumbing and Drainage Examiners hereby established and hereafter called the "Board" shall consist of five (5) members, to wit: the Building Inspector, the Town Engineer and three (3) persons who have actively engaged in the plumbing business for at least ten (10) years next preceding their membership on such Board. The last three (3) members shall be appointed by the Supervisor by and with the consent of the other members of the Town Board and must be residents of the Town of Cheektowaga. The term of office of the last mentioned three (3) members shall be two years.

Each member of the Board, except the Town Engineer and the Town Building Inspector, shall receive, as compensation as such Board Member, such amount as a majority of said Board shall determine, but in no event shall such compensation for any one (1) member total more than two hundred fifty dollars (\$250.00) per year. The Town Engineer and the Town Building Inspector shall serve without compensation.

13-16 Regulations, Duties

The Board shall make rules and regulations for the conduct of its business as an Examining Board.

The Board shall have jurisdiction over and examine each applicant for a license to determine his qualifications for a Master Plumber's license under this code and to issue Certificates of Competency to all such persons who shall have satisfactorily passed the examination before such Board and shall be by it determined to be qualified for conducting the business of plumbing.

13-17 Master Plumber's License Required

No person shall engage in or conduct a business of maintaining, installing or altering, repairing or contracting to install, alter or repair any plumbing in the Town of Cheektowaga until such person shall apply for and obtain a Master Plumber's license to engage in such business as herein provided.

13-18 Application for Licenses

Any persons desiring to take the examination for a Master Plumber's Certificate of Competency must be an American citizen and a Journeyman Plumber for a minimum of eight thousand (8,000) hours as an employee of a licensed Master Plumber. He shall make a sworn application in writing, accompanied by a filing and examination fee of twenty-five dollars (\$25.00), not returnable, and by two (2) photographs of the applicant, approximately one and one-half by one and one-half ($1\frac{1}{2} \times 1\frac{1}{2}$) inches, taken within the past thirty (30) days, to the Building Inspector, who, if said application is in good order, shall refer it to the Board. The Board shall thereupon arrange and conduct an examination as to the competency and qualifications of such applicant within six (6) months of date of said application.

13-19 Issuing of Licenses

The Town Clerk shall issue a license authorizing said applicant to conduct such business in the Town of Cheektowaga upon receipt of a Certificate of Competency from the Board showing that such person, a member of such firm or the superintendent of construction of such corporation has satisfactorily passed an examination held by said Board. The Certificate of Competency must be dated within one (1) year of the date of the application.

Every applicant shall, prior to the issuance of a Master Plumber's License, or a renewal thereof file with the Town Clerk a bond in the sum of two thousand dollars (\$2,000.00) of an indemnity company, conditioned to indemnify and save harmless the Town of Cheektowaga of and from all damages and losses which may result from the work of said plumber, firm or corporation being done carelessly or imperfectly or in such a way that injury or loss results to persons or property thereby, or by reason of his failing to comply with all and singular, the rules and regulations as now or may hereafter be established by the Town Board or Superintendent of Highways, or with any ordinances of the Town in relation to making excavations in the public streets or on private driveways or property, or with any provisions of the ordinances of the Town of Cheektowaga. The applicant shall file with the Town Clerk Certificates of Insurance protecting the Town to the extent of the following limits: personal liability of fifty thousand/one hundred thousand dollars (\$50,000/\$100,000.) and property damage liability of ten thousand dollars (\$10,000.).

The fee for the license required by this Ordinance shall be fifty dollars (\$50.00) per year, or part thereof, each license expiring on December 31st, next after issuance. Once a license has expired, a plumber shall not be issued permits nor be allowed to continue plumbing work in the Town of Cheektowaga until his license has been renewed. A license may be renewed within twelve (12) months after the date of expiration. A lapse of renewal for a period of more than twelve (12) months shall be considered an abandonment of the business of plumbing within the Town of Cheektowaga and the Certificate of Competency shall become null and void.

13-20 Restrictions on Licenses

No licensed plumber shall allow the use of his or its name or license to any unlicensed person, firm or corporation for the purpose of defrauding the Town or otherwise.

Any person, firm or corporation, doing plumbing work in the Town of Cheektowaga shall exhibit his or its license, upon request, to any Peace Officer, Town Board member, Member of the Board or employee of the Building Inspection Department and shall, while opening any highway for purposes incidental to such work, and while such highway is so opened, exhibit in a conspicuous place adjacent to such opening a sign at least one foot square plainly marked showing the number of such license.

The dissolution of a firm or corporation shall operate as a cancellation of the license of such firm or corporation.

Licenses shall not be transferable.

A license may be suspended or revoked at any time by the Board, if in its judgment the best interests of the inhabitants of the Town shall be served thereby.

13-21 Supplemental Plumbing Regulations

A. Where a public sewer is accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid

waste from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited.

- B. Where the liquid wastes from any plumbing are not discharged into a public sewer, such wastes shall be so treated or disposed of as recommended by the Erie County Health Department and the State of New York Department of Environmental Conservation.
- C. Gutters and inside or outside leaders shall be installed on all roofs. On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.
- D. On new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by the Town of Cheektowaga. Any alternate method of water disposition must be approved by the Town Engineer.
- E. On new construction, all buildings having basements or cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.
- F. No Town drainage easement or natural waterway may be filled in or obstructed in any manner unless an alternative method of water disposition is approved by the Town Engineer.
- G. The main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. All fixtures installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.
- H. The sanitary sewer between any building and the sanitary street sewer must be of either cast-iron, transite, vitrified tile or other manufactured pipe as approved by the Board, except that only cast-iron pipe may be used within a five-foot radius of any building. Vitrified tile must be at least six (6) inches in diameter. Tile pipe for sewers must be of the best, sound, salt-glazed vitrified tile, free from cracks or breaks, with socket joints of uniform shape. No pipe shall have a thickness of less than one-twelfth of the internal diameter and it must be uniform in thickness. The joints for all tile sewers or drains to be approved slip seal or thoroughly caulked with dry uncoiled hemp and not to exceed more than one-fourth of the annular space, the balance to be a heated and poured bituminous sewer joint compound, approved by the Board.
- I. Plumbing may be installed by a resident owner himself, within his own home, provided all plumbing complies with the requirements of this code and in such event the word "owner" shall be substituted for the word "plumber" throughout this code, with the exception that the license requirement will be waived.

13-22 Electrical Inspection

- A. All electrical installations, alterations and repair of wiring for electric light, heat and power shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this Ordinance or any other local law, ordinance or Building Code of the Town of Cheektowaga shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or Building Code shall be recognized as proper compliance with this Ordinance. The requirements of the National Electrical Code shall be those known as National Fire Association Pamphlet #70 as approved and adopted by the American Standards Association.
- B. The Chief Inspector and each of the duly appointed Inspectors of the New York Board of Fire Underwriters are hereby authorized and deputized as agents of the Town of Cheektowaga to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Cheektowaga.
- C. It shall be the duty of the Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all the provisions of this Code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, ordinances, and the Building Code as referred to in this Ordinance insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Cheektowaga upon the written request of an authorized official of the Town of Cheektowaga or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances, and equipment, in and on properties within the Town of Cheektowaga where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of Cheektowaga.

It shall be the duty of the Inspector to furnish written reports to the proper officials of the Town of Cheektowaga and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this Ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Town of Cheektowaga to the attention of the Building Inspector.

- D. It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or power in or on properties in the Town of Cheektowaga until an application for inspection has been filed with the New York Board of Fire Underwriters. It shall be a violation of this Ordinance for a person, firm or corporation to connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate or a Certificate of Compliance, by the New York Board of Fire Underwriters.
- E. The provisions of this Ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located out of doors or in buildings used exclusively for that purpose. This Ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials

and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

- F. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Cheektowaga or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this Ordinance.

13-23 Applicability of Other Laws

Nothing in this Code shall be construed to modify or to prevent the application and enforcement of the Zoning Ordinance, Sewer Use Ordinance, Fire Code, or any other law which prescribes more restrictive limitations.

13-24 No Legalization Due to Delinquency

No oversight or dereliction of duty on the part of the Building Inspector or on the part of any employee of the Building Inspection Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building or plumbing laws, ordinances or regulations, or that does not conform to the provisions of an application, plans or specifications on the basis of which a Building Permit or Plumbing Permit was issued, or that does not conform to the applicable provisions of the Zoning Ordinance.

13-25 Relief from Personal Responsibility

No official or employee of the Building Inspection Department shall, while acting pursuant to the provisions of this Ordinance be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

13-26 Severability

- A. If a court of competent jurisdiction finds any provision of this Code invalid in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this Code shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this Code to any building, other structure or tract of land to be invalid in whole or part, the effect of such decision shall be limited to the person, property or situation involved, and the application of any such provisions to any other person, property or situation shall not be affected.

13-27 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State's Office.

Item No. 12 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



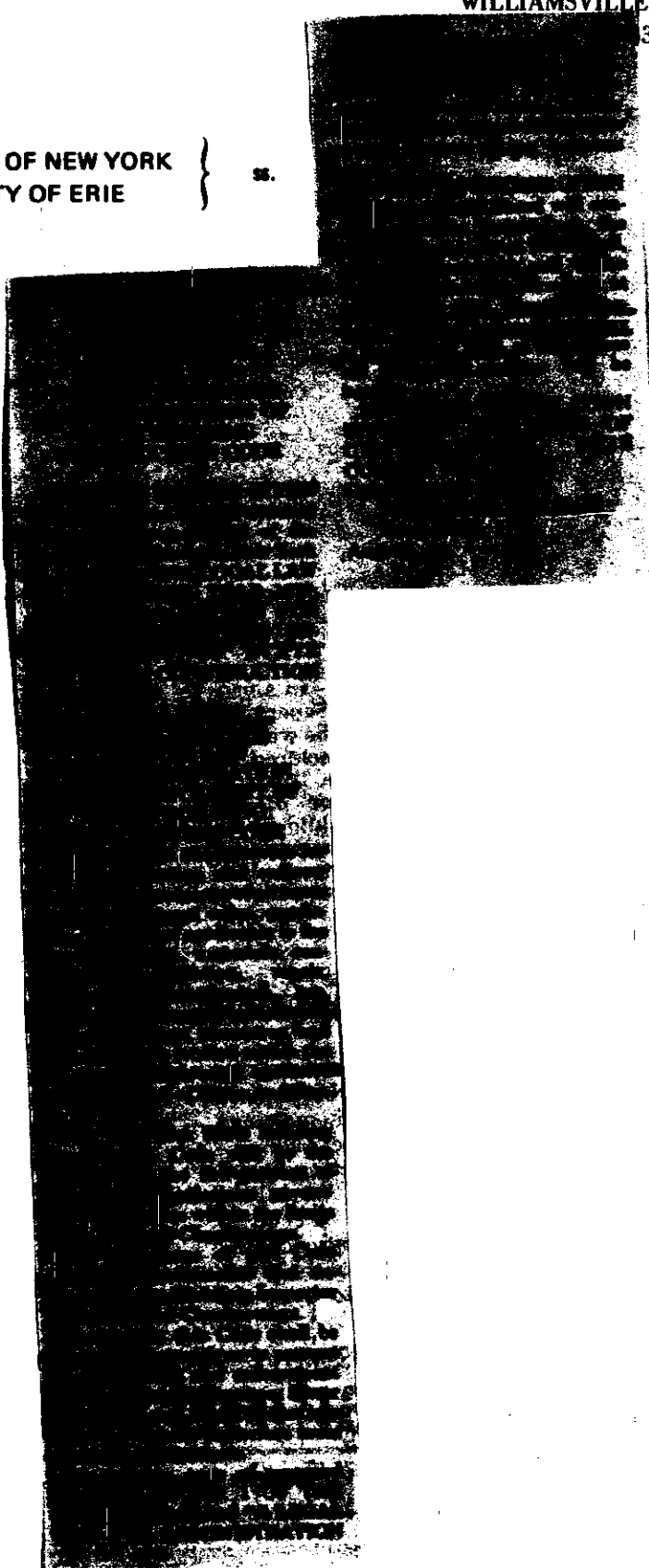
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STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



Jean Mugler

being duly sworn, deposes and says that she is the
Ass't to the Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 23rd day of August
1979, and the last insertion being on the same
day of , 19 .

Subscribed and sworn to before me this 23rd day
of August, 1979

Jean Mugler

Susan Schasel
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, Cheektowaga Cablevision, Inc. has made application to the Town of Cheektowaga for an amendment to its cable television franchise to provide for an increase in the monthly rate for basic cable service, now, therefore, BE IT

RESOLVED that in accordance with the laws of the State of New York, a public hearing be held on the 4th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board members whether an amendment to the cable television franchise shall be enacted; and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the EXAMINER, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the hearing.

P U B L I C N O T I C E

Notice is hereby given of a public hearing to be held at 7:00 o'clock P.M. on September 4th, 1979, at the Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York to consider the application of Cheektowaga Cablevision, Inc. d/b/a International Cable for an amendment to its cable television franchise for the Town of Cheektowaga to provide for an increase in its monthly rate for basic cable service to \$8.00 effective December 1, 1979, and to \$8.50 effective December 1, 1980.

The franchise amendment, if approved by the municipality, shall not be effective without the prior approval of the New York State Commission on Cable Television and interested parties may file comments or objections with the Commission.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 23 day of Aug., 1919 and ending on the day of , 19

(EX)

Signed James Charters

Sworn to before me, on the 23 day of Aug., 1919

Carol M. Smith

Notary Public

CAROL M. SMITH

Notary Public, State of New York
Qualified in Erie County

My Commission Expires March 30, 1918

PUBLIC NOTICE

Notice is hereby given of a public hearing to be held at 7:00 o'clock on Sept. 4, 1979, at the Cheektowaga Town Hall, Broadway & Union Road, Cheektowaga, N.Y. to consider the application of Cheektowaga Cablevision, Inc. d/b/a International Cable for an amendment to its cable television franchise for the Town of Cheektowaga to provide for an increase in its monthly rate for basic cable service to \$8.00 effective December 1, 1979, and to \$8.50 effective December 1, 1980.

The franchise amendment, if approved by the municipality, shall not be effective without the prior approval of the New York State Commission on Cable Television and interested parties may file comments or objections with the Commission.

Item No. 14 Motion by Supervisor Meyers, seconded by Councilman Dux

BE IT RESOLVED that Joseph G. Sacco, Esq., Attorney at Law, with offices located at 22 Victoria Boulevard, Kenmore, New York 14214, be and is hereby retained to represent the Town of Cheektowaga in the pending assessment review proceedings brought by the following petitioners:

- 1.) Cheektowaga Holding Corporation vs. Board of Assessors and Board of Assessment Review of the Town of Cheektowaga
- 2.) Charles W. Zawadzki and Elizabeth A. Zawadzki vs. Assessor of the Town of Cheektowaga, etal.

and BE IT FURTHER

RESOLVED that his reasonable fees and expenses be paid by the Town, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to Joseph G. Sacco, Esq.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Swiatek, seconded by Councilman Dux

BE IT RESOLVED that Frederick D. Marzak, Architect, with offices located at 385 Cleveland Drive, Cheektowaga, New York be and is hereby appointed to prepare plans and specifications for a parks garage and storage facilities to be located in Losson Road Park, and BE IT FURTHER

RESOLVED that said Frederick D. Marzak will be paid his reasonable fees in connection with said preparation and the plans and specifications.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board about an unsafe building located at 270 Dean Road, Cheektowaga, New York and according to the Assessor's Office records is owned by Sally Pantano, residing at Buffalo, New York 14211, and

WHEREAS, action must be taken to rectify the situation, now, therefore, BE IT

RESOLVED that Ronald Marten, Building and Plumbing Inspector and Lukaszewicz & McGraw, Architects, with offices located at 1199 Harlem Road, Cheektowaga, New York be and hereby are appointed to inspect, survey and report upon said unsafe building, and BE IT FURTHER

RESOLVED that said architects shall be paid a fee not to exceed \$100.00, and BE IT FURTHER

RESOLVED that all costs incurred in connection with these proceedings shall be assessed against the land on which the building is located.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Swiatek, seconded by Supervisor Meyers

BE IT RESOLVED that the Town Attorney's Office be and is hereby authorized to begin proceedings for the acquisition of properties for the extension of Losson Park, and BE IT FURTHER

RESOLVED that the Supervisor be and is hereby authorized to sign any documents prepared on behalf of the Town in connection with said acquisition of properties for the extension of Losson Park.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Councilman Johnson, seconded by Councilman Burst

WHEREAS, the Town Attorney's Office has initiated a legal proceeding on behalf of the Town of Cheektowaga entitled:

"In the Matter of the Application of

TOWN OF CHEEKTOWAGA

KENNETH J. MEYERS, Supervisor of the Town of Cheektowaga and

CHESTER L. BRYAN, P.E., Engineer of the Town of Cheektowaga

Petitioners

For a Judgment under Article 78 of the Civil Practice Law and Rules

against

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION and

ROBERT J. MITREY, Senior Sanitary Engineer for the New York State Department of Environmental Conservation

Respondents", and

WHEREAS, since the initiation of said proceeding, various conferences were held among the Town Attorney, the Attorney General's Office and counsel for the Department of Environmental Conservation, and

WHEREAS, as a result of said conferences and a review of the legal papers submitted on behalf of the Town, the Department of Environmental Conservation has agreed to, and has on August 16, 1979 issued a modified demolition landfill site permit to one Wilfred Schultz whereby the following conditions were added to the prior permit issued by the Department of Environmental Conservation, to wit:

"This permit does not supersede any local town ordinances, laws, codes, rules and/or regulation."

and

"The effective date of this permit is August 16, 1979 and supersedes any permits previously issued by this Department."

and

WHEREAS, said site is located in a M-1 Zoning area; and the Town Zoning Ordinance now in effect allows a landfill site use only in a M-2 Zoning area, thereby prohibiting the intended use of the applicant under the present circumstances, and

WHEREAS, it appears that further court action in the present court proceedings against the Department of Environmental Conservation and Robert J. Mitrey is no longer necessary, therefore, be it

RESOLVED that the Town Attorney be and hereby is authorized to execute a Stipulation of Discontinuance of the said action entitled:

Item No. 18 Cont'd.

"In the Matter of the Application of

TOWN OF CHEEKTOWAGA
KENNETH J. MEYERS, Supervisor of the
Town of Cheektowaga and
CHESTER L. BRYAN, P.E., Engineer of
the Town of Cheektowaga

Petitioners

For a Judgment under Article 78 of
the Civil Practice Law and Rules

against

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION and

ROBERT J. MITREY, Senior Sanitary Engineer
for the New York State Department of
Environmental Conservation

Respondents",

on behalf of the Town.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, the Town of Cheektowaga is interested in setting up a truck route system covering Eggert Road, Sugar Road, Pine Ridge Road and a portion of Delevan Avenue, as more particularly described in the attached Truck Route System outline, and

WHEREAS, it is necessary to obtain a permit from the County of Erie Department of Public Works, Highway Division, covering those portions of the truck route which are County roads, now, therefore, BE IT

RESOLVED that a permit is hereby requested from the County of Erie in regards to setting up a truck route system on the portions of County roads described in the attached outline, and BE IT FURTHER

RESOLVED that the Supervisor be and is hereby authorized to execute a permit issued by the County of Erie, and BE IT FURTHER

RESOLVED that a certified copy of this resolution and the attached outline be forwarded to the County of Erie Department of Public Works, Highway Division.

*See next page for copy of truck route system outline.

TRUCK ROUTE SYSTEM

Truck Route System - (a) A truck route system upon which all trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are permitted to travel and operate, shall consist of the following highways:

1. Eggert Road between Buffalo City Line and Sugar Road
2. Sugar Road between Eggert Road and Pine Ridge Road
3. Pine Ridge Road between Sugar Road and Delavan Avenue
4. Delavan Avenue between Pine Ridge Road and the Buffalo City Line

(b) All trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are hereby excluded from Eggert Road, between Sugar Road and Delavan Avenue except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are excluded.

Authority: Town - Section 1660, Sub-division (a), Paragraph 10 of the Vehicle and Traffic Law.

Violation: Section 1110, Sub-division (a) of the Vehicle and Traffic Law.

Penalty: Section 1800, Sub-division (b) of the Vehicle and Traffic Law.

Item No. 19 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the Town Board has previously requested the Erie County Department of Public Works, Division of Highways, for proposed signalization at the intersection of Walden Avenue and Peppy Place, and to remove the present signal from the intersection of Dale Road and Walden Avenue, and

WHEREAS, the Town Supervisor, Kenneth J. Meyers, has forwarded a formal written request to said Erie County Department of Public Works, Division of Highways, requesting that the County prepare and supply to the Town the plans and specifications for such signalization, therefore, BE IT

RESOLVED that the Town Board hereby joins in the Supervisor's request to the Erie County Department of Public Works, Division of Highways to prepare and supply plans and specifications for the signalization at the intersection of Peppy Place and Walden Avenue, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to the Erie County Department of Public Works, Division of Highways.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, an Easement for drainage purposes has been entered into between Celukim, Inc. and the Town of Cheektowaga, New York, and

WHEREAS, it is necessary that the Supervisor execute said Easement, now, therefore, BE IT

RESOLVED that the Supervisor be and is hereby authorized to execute said Easement on behalf of the Town of Cheektowaga.

*See next nine (9) pages for copy of easement.

EASEMENT

THIS INDENTURE made this 14 day of AUGUST 1979,
between

CELUKIM, INC., a corporation organized under the Laws of the State of New York with its principal office and place of business at 600 Duke Road in the City of Buffalo, Erie County, New York, (Party of the First Part),

and

TOWN OF CHEEKTOWAGA, a Municipal Corporation with its principal office in the Town Hall, Broadway and Union Road, in the Town of Cheektowaga, New York, Erie County, New York, (Party of the Second Part),

WITNESSETH:

WHEREAS, the Party of the First Part is the Owner of a certain parcel of land situated in the Town of Cheektowaga, Erie County, New York, (hereinafter described and referred to as the "premises", and

WHEREAS, the Party of the Second Part has heretofore installed a sewer line which it maintains across the premises, and

WHEREAS, the party of the First Part has entered into a Lease Agreement with Chrysler Realty Corporation, a corporation organized and existing under and by virtue of the laws of the State of Delaware and having its principal office and place of business at 1 Northfield Plaza, Troy, Michigan.

WHEREAS, the said CHRYSLER REALTY CORPORATION has sublet the premises to MID-CITY DODGE, INC., a domestic corporation presently maintaining its principal office and place of business upon the premises.
and

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WHEREAS, all of the aforesaid parties are agreeable to the granting of an Easement to the Party of the Second Part in the form and to the extent hereinafter set forth,

NOW THEREFORE, in consideration of the sum of Two (\$2.00) Dollars, lawful money of the United States paid by the Party of the Second Part, and other good and valuable considerations, the receipt and adequacy of which the Party of the First Part and the Party of the Second Part hereby acknowledge, it is hereby mutually agreed as follows:

1. The Party of the First Part hereby grants and releases unto the Party of the Second Part, its successors and assigns, a perpetual sub-surface easement across the premises aforementioned and as hereinafter described, to the extent and for the purposes and subject to the conditions hereinafter set forth.

2. The larger parcel, owned by the Party of the First Part and leased and subleased respectively to CHRYSLER REALTY CORPORATION and MID CITY DODGE, INC., and across which the Easement premises run, is described as follows:

Being commonly known as 2185 Walden Avenue, Cheektowaga, New York, being approximately 380 feet on Walden Avenue, 658 feet on Duke Road, 226 feet on the east line, and 610 feet on the west line, containing 4.775 acres.

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3. By this Easement, the Party of the First Part grants to the Party of the Second Part the right to maintain the subsurface storm sewer which the Party of the Second Part has heretofore installed across the aforesaid premises, and in its present location, and within the area hereinafter described in Schedule "A" annexed hereto, and referred to as "Easement Premises".

4. The Party of the First Part further grants to the Party of the Second Part a permanent Easement to operate, maintain, repair and replace the said storm sewer in its present location, and within the Easement premises as described in Schedule "A", also to remove the same, in which event this Easement shall terminate and the Party of the Second Part shall execute and deliver to the Party of the First Part, a Release in form sufficient to be recorded, terminating the Easement herein contained.

5. So that the Party of the Second Part may operate, maintain, repair, replace and/or remove the said storm sewer, the Party of the First Part hereby grants unto the Party of the Second Part a reasonable Right of Access to the strip of land described as the Easement Premises, and as set forth in Schedule "A" annexed hereto and the Party of the Second Part agrees to forthwith repave and repair all concrete and asphalt areas damaged as a result of such Right of Access.

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6. In performing the foregoing, the Party of the Second Part shall proceed with reasonable dispatch, shall provide adequate safeguards, and shall not deny the Party of the First Part, its Tenant, Subtenant and others coming upon the premises to see or to deal with them, access from either side of the premises, across Schedule "A" to the other side thereof at any time and from time to time. The Party of the Second Part covenants and agrees that in the event of any of the foregoing operations, the Party of the Second Part shall cause the premises to be restored as nearly as possible to the condition preceeding construction or repair, by the repair or replacement of sidewalks, driveways, laws, shrubbery, small trees and underground facilities. There shall be the least business interference possible by the Party of the Second Part upon any such repairs or construction, and there shall be no parking or storage of equipment upon the premises described in Schedule "A". The Party of the Second Part shall require each Contractor to maintain Workmens Compensation Insurance during such repairs or construction, and to maintain Public Liability Insurance Coverage naming the Party of the First Part and its tenants and subtenants as additional assureds, in amount of at least \$500,000.00 for personal injuries to 1 person, and \$1,000,000.00 for personal injuries to 2 or more persons and for \$50,000.00 for property damage. Upon request, copies of such Policies shall be furnished each of such Assureds.

7. All pipes and appurtenances laid or to be laid by or for the Party of the Second Part, its Successors or Assigns, and/or its Contractors, shall be and remain the property of the Party of the Second Part, its Successors and Assigns forever, PROVIDED

HOWEVER, that the Party of the Second Part, its Tenant and Subtenant and their respective successors and assigns shall have the right to tap into the said Sewer line at such locations as they may require, and without any fees or charges to them therefor.

8. This Agreement is made upon the condition that the aforesaid Tenant and Subtenant shall execute by their duly authorized officers, in form sufficient to be recorded as a part hereof, the Agreement which follows and is made a part of this Easement, it being understood and agreed that unless and until the same has been executed by the said Tenant and Subtenant, this Easement shall not be in effect and shall not be binding upon the parties of the First Part and Second Part, and shall have no force and effect as to any of the parties thereto.

9. For a period of six (6) months after the completion of any repairs or construction, if the ground settles, so that the surface of the area of repairs or construction is not level with the adjoining premises, the Party of the Second Part agrees to return upon due written notice to such effect, and cause such area or areas to be brought to level with the surrounding areas, at the sole cost and expense of the Party of the Second Part and/or its Contractors.

10. The benefits and burdens hereof shall inure to the benefit of and bind the respective successors and assigns of the parties.

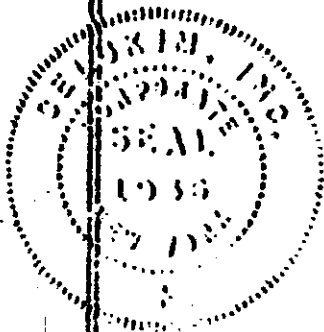
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IN WITNESS WHEREOF the party of the First Part, and the party of the Second Part have caused their seals to be hereunto affixed and these presents to be signed by their duly authorized officer or official, on the day and year first above written.



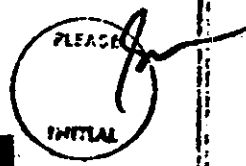
CELUKIM, INC.

By: [Signature]
Its: Pres.

TOWN OF CHEEKTOWAGA

By: [Signature]
Its: Superior

The undersigned Tenant and Subtenant, referred to in the foregoing Easement, do hereby agree to subordinate their leasehold interest in the Easement premises to the interests under this Easement, and as subordinated, shall be bound by its terms and shall enjoy its benefits. Each further agrees that the granting and operation of the foregoing Easement shall not affect the above described Lease between CELUKIM, INC. and CHRYSLER REALTY CORPORATION or the above described Sublease between CHRYSLER REALTY CORPORATION and MID-CITY DODGE, INC., and that the aforesaid Lease and Sublease shall be and continue to be in full force and effect.



Dated: _____, 1979

CHRYSLER REALTY CORPORATION

By: [Signature]
S. H. CAMMETT, JR.
Vice President

MID-CITY DODGE, INC.

By: [Signature]

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this 14th day of August, 1979 before me personally came Anthony S. Melillo to me known, who being by me duly sworn did depose and say that he resides at Williamsville, New York, that he is the President of CELUKIM, INC. the Corporation described in and which executed the within 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.

Camille A. Dzurawski
Notary Public
My Commission expires March 30 1980

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On this _____ day of _____, 1979 before me personally came _____ to me personally known, who being by me duly sworn deposes and says that he resides at _____, that he is the _____ of MID-CITY DODGE, INC., the Corporation described in and which executed the within 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.

Notary Public
My Commission expires _____

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STATE OF MICHIGAN)
COUNTY OF OAKLAND)SS:

On this 7th day of AUGUST 1979, before me personally came S. N. Cammett, Jr to me personally known, who being by me duly sworn, did depose and say that he resides at FARM, MICHIGAN that he is the VICE PRESIDENT of CHRYSLER REALTY CORPORATION the corporation described in and which executed the within 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.

Peter J. Pomphrey
Notary Public,
My commission expires 4/15/81

STATE OF NEW YORK)
COUNTY OF FULTON)SS:

On this 14 day of AUGUST 1979, before me personally came JOSEPH G. Bonadonna to me personally known, who being by me duly sworn, did depose and say that he resides at WILLIAMSVILLE that he is the PRES. of MID CITY DODGE, INC. the corporation described in and which executed the within 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.

Joseph G. Bonadonna
Notary Public,
My commission expires 12/31/79

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30.0 Foot Wide Storm Sewer Easement
Drawing No. R-551-A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 16, Township 11, Range 7, of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point located on the northwesterly line of lands conveyed under Liber 5816 Page 13, also being the southeasterly line of lands conveyed under Liber 6694 Page 273, said point being 153.2 feet southerly from the southerly highway boundary of Walden Avenue, as measured along the easterly and southeasterly line of Liber 6694 Page 273; thence southeasterly along the southeasterly line of Liber 6694 Page 273, a distance of 30.1 feet to a point; thence southwesterly at an interior angle of $86^{\circ}34'12''$ a distance of 164.8 feet to a point; thence westerly at an interior angle of $147^{\circ}18'49''$ a distance of 250.6 feet to a point; thence westerly at an interior angle of $180^{\circ}26'35''$ a distance of 91.5 feet to a point; thence northerly at an interior angle of $89^{\circ}07'25''$ a distance of 30.0 feet to a point; thence easterly at an exterior angle of $89^{\circ}07'25''$ a distance of 91.1 feet to a point; thence easterly at an exterior angle of $180^{\circ}26'35''$ a distance of 241.9 feet to a point; thence northeasterly at an exterior angle of $147^{\circ}18'49''$ a distance of 154.2 feet to the place or point of beginning.

Containing 0.342¹/₂ Acre.

SCHEDULE "A"



Item No. 21 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, an Easement for drainage purposes has been entered into between K.V.S. Corporation of Michigan Corporation and the Town of Cheektowaga, New York, and

WHEREAS, it is necessary that the Supervisor execute said Easement, now, therefore, BE IT

RESOLVED that the Supervisor be and is hereby authorized to execute said Easement on behalf of the Town of Cheektowaga.

*See next five (5) pages for copy of easement.

EASEMENT
BETWEEN

K.V.S. CORPORATION of
Michigan Corporation
3655 Michigan Avenue
Wayne, Michigan

and

TOWN OF CHEEKTOWAGA
Broadway and Union
Cheektowaga, New York

Dated Aug. 7, 1979

EASEMENT

THIS INDENTURE made and entered into this 7 day of August, 1979 between K.V.S. CORPORATION of Michigan Corporation having its principal place of business at 36555 Michigan Avenue, Wayne, Michigan, party of the first part, and TOWN OF CHEEKTOWAGA a Municipal Corporation whose address is at Broadway and Union Road, Cheektowaga, New York, party of the second part.

WITNESSETH: That the parties of the first part in consideration of the sum of \$1.00 and other good and valuable consideration paid by the party of the second part, does hereby grant to the party of the second part, a permanent easement across the following described premises for drainage purposes only. During any construction or maintenance, the party of the second part hereby agrees to protect the property of the parties of the first part from damage and use all reasonable means to protect the party of the first part and to restore said property as nearly as possible to its original condition and repair and replace sidewalks, driveways, lawns, shrubbery, trees and any and all underground facilities.

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 23, Township 11, Range 7, bounded and described as follows:

BEGINNING at a point in the easterly line of Kennedy Road (49.5' wide) (Formerly Houdaille Road) 267.86 feet north of the northerly line of the New York, Lackawanna and Western Railroad.

THENCE: N-89-00-E, 696.51 feet along the south line of a 50.00' wide drainage easement to a point.

THENCE: N-09-13-00-E along the easterly line of a 30.00' wide drainage easement, and K.V.S. CORPORATION's easterly property line, 499.80 feet to a point in K.V.S. CORPORATION's northerly property line.

THENCE: S-89-57-01-W, 30.00' to a point.

THENCE: S-09-18-00-W, along the westerly line of a 30.00' wide drainage easement 360.33 feet to a point in the north line of a 50.00' wide drainage easement.

THENCE: S-89-00-00-W, 666.76 feet along the north line of said 50.00' wide drainage easement to a point in the westerly line of Kennedy Road.

THENCE: S-00-00-E, along the west line of Kennedy Road, 50.01 feet to the point and place of beginning.

The intent of this description is to describe a 50.00' wide drainage easement and a 30.00' wide drainage easement following the existing ditch line across K.V.S. CORPORATION's property.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date first above written.

K.V.S. CORPORATION

BY C. F. Copeland

TOWN OF CHEERTONAGA

BY: Kenneth J. Meyer

STATE OF NEW YORK, COUNTY OF ERIE SS.:

CORPORATE ACKNOWLEDGMENT

On this 7th day of August, Nineteen Hundred and Seventy-nine before me personally came C. F. COPELAND to me personally known, who, being by me duly sworn, did depose and say that he resides in TONAWANDA, NEW YORK that he is the AGENT of K.V.S. CORPORATION, the corporation described in, and which executed, the within 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.

Don E. Hagg

Notary Public, State of New York
Qualified in the County of Erie
My Commission Expires 12/31/80

STATE OF NEW YORK, COUNTY OF ERIE SS.:

On this 20th day of August, Nineteen Hundred and Seventy-nine before me personally came Kenneth J. Meyers to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga that he is the Supervisor of the TOWN OF CHEEKTOWAGA, the corporation described in, and which executed, the within 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 name thereto be like order.

Vickie L. Danowski

VICKIE L. DANOWSKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 31, 1981

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND SITUATED IN THE TOWN OF CREEK-TONAGA, COUNTY OF ERIE, & STATE OF NEW YORK, BEING PART OF LCT NO-23, TOWNSHIP 11, RANGE 7, BOUNDED & DESCRIBED AS FOLLOWS

BEGINNING AT A POINT IN THE EASTERLY LINE OF KENNEDY ROAD (49.5' WIDE) (FORMERLY HOUDAILLE RD.) 267.86 FEET NORTH OF THE NORTHERLY LINE OF THE NEW YORK, LACKAWANNA, & WESTERN RAILROAD.

THENCE: N- 89- 00- E, 696.51 FEET ALONG THE SOUTH LINE OF A 50.00' WIDE DRAINAGE EASEMENT TO A POINT.

THENCE: N-00-18-00-E ALONG THE EASTERLY LINE OF A 30.00' WIDE DRAINAGE EASEMENT, AND AUTOMOTIVE TRANSPORT CO'S EASTERLY PROPERTY LINE, 409.80 FEET TO A POINT IN AUTOMOTIVE TRANSPORT CO'S NORTHERLY PROPERTY LINE.

THENCE: S-89-57-01-W, 30.00' TO A POINT.

THENCE: S-00-18-00-W, ALONG THE WESTERLY LINE OF A 30.00' WIDE DRAINAGE EASEMENT 360.33 FEET TO A POINT IN THE NORTH LINE OF A 50.00' WIDE DRAINAGE EASEMENT.

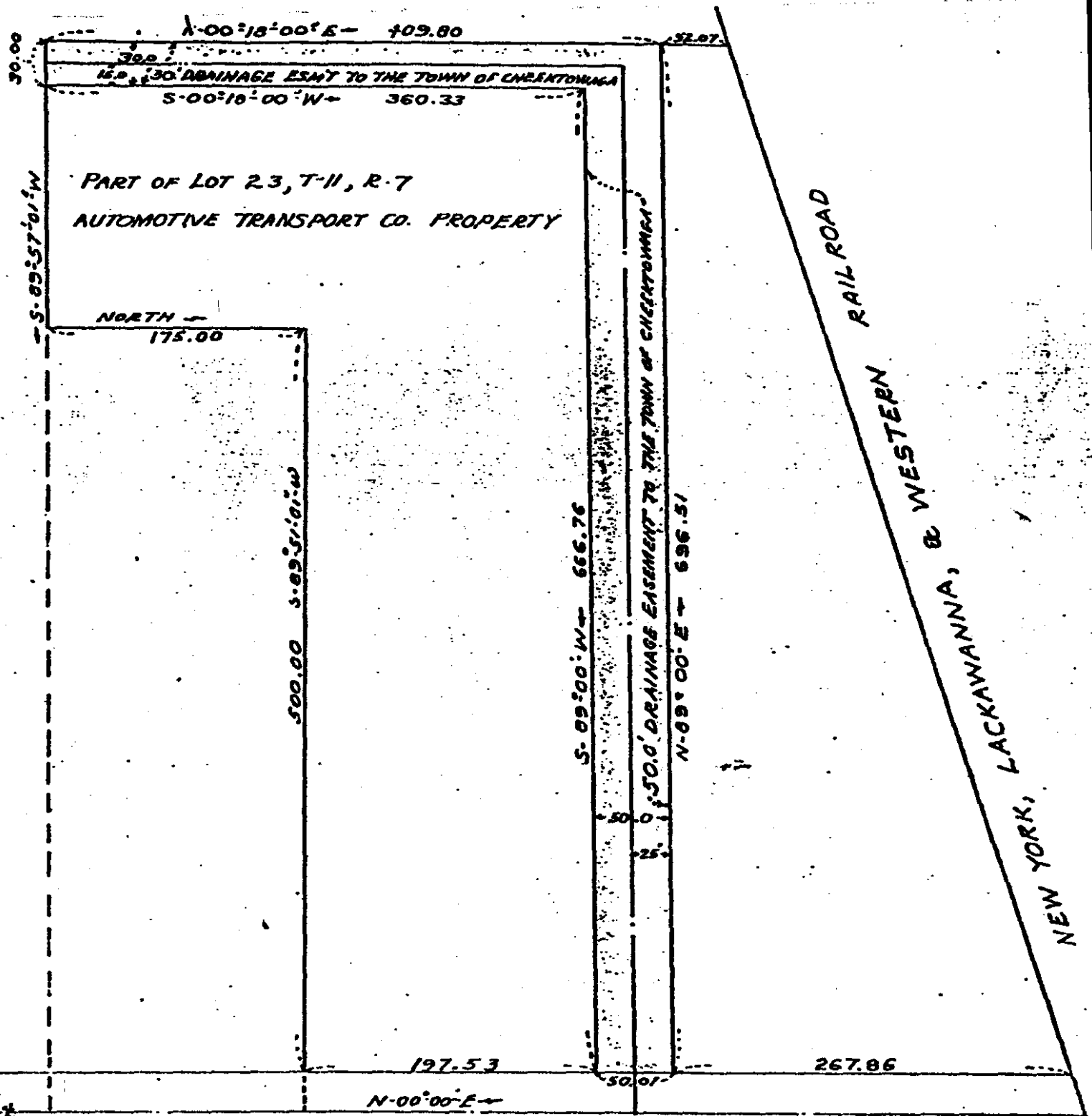
THENCE: S-89-00-00W, 666.76 FEET ALONG THE NORTH LINE OF SAID 50.00' WIDE DRAINAGE EASEMENT TO A POINT IN THE WESTERLY LINE OF KENNEDY ROAD.

THENCE: S-00-00-E , ALONG THE WEST LINE OF KENNEDY ROAD, 50.00 FEET TO THE POINT AND PLACE OF BEGINNING.

THE INTENT OF THIS DESCRIPTION IS TO DESCRIBE A 50.00' WIDE DRAINAGE EASEMENT AND A 30.00' WIDE DRAINAGE EASEMENT FOLLOWING THE EXISTING DITCH LINE ACROSS AUTOMOTIVE TRANSPORT CO'S PROPERTY.

ROAD)

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KENNEDY ROAD (49.5' Wide)
 (FORMERLY HOUDAILLE ROAD)

Survey of LEGAL DESCRIPTION OF DRAINAGE EASEMENTS TO THE TOWN OF CHEEKTOWAGA

Location TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

Survey No. A-722-79 Scale 1" = 100' F.B.

DATE	TYPE	SURVEY FOR
AUG-3-1979		

ELWOOD D. HUMMEL
 Land Surveyor
 N.Y.S. License No. 35609
 341 SOUTH STREET
 EAST AURORA, N. Y. 14052
 652-8555

Item No. 22 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Johnson, seconded by Councilman Burst

WHEREAS, the Board of Fire Commissioners of Walden Fire District No. 2 have expressed concern over the condition of the water lines servicing the Walden Avenue area, and their ability to provide adequate water pressure for fire protection in the District, and

WHEREAS, said Board of Fire Commissioners in June of this year requested the Erie County Water Authority to perform an inspection of the Walden Avenue water lines to determine their condition and adequacy for fire protection in the District, said water lines having been originally installed in the year 1903, and

WHEREAS, the Erie County Water Authority has not yet responded to the said Board of Fire Commissioners regarding their request, and

WHEREAS, considering the age of the existing water lines, it is advisable that a study, such as the one requested by the Board of Fire Commissioners, be conducted by the Erie County Water Authority to insure the safety of residents of the Walden Avenue area, and the ability of Walden Fire District No. 2 to provide adequate fire protection for its service area, and

WHEREAS, any necessary improvements to water lines may be coordinated, if feasible, with the storm and sanitary sewer work which is scheduled to occur on Walden Avenue, utilizing federal Community Development Block Grant funds, during the early part of 1980, and

WHEREAS, the Board of Fire Commissioners, the Walden District Taxpayers Association, the Walden Avenue Revitalization Committee and the Town of Cheektowaga are also greatly concerned regarding the existence of a dead-end water line on Alexander Street in the Walden Avenue area, and the impediment it may create to the provision of adequate fire protection for the Alexander Street Elementary School, and the St. John Gualbert Elementary School and Church, and

WHEREAS, a request was made of the Erie County Water Authority by the Town in June of this year to consider the elimination of the dead-end water line on Alexander Street under the Authority's program for dead-end water line eliminations, and

WHEREAS, the Town has been informally advised that its request could not be honored this year, but that funds may be available in the Water Authority's 1980 budget for the elimination of the Alexander Street dead-end water line, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby memorializes the Erie County Water Authority to:

1.) Perform an inspection of the Walden Avenue water lines to determine their condition and adequacy for purposes of fire protection, and establish the basis for a water line maintenance and/or renovation program for Walden Avenue;

2.) Undertake, as soon as it is feasible, the elimination of the dead-end water line on Alexander Street in the Town of Cheektowaga,

and BE IT

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Mr. Donald Kane, Secretary, Erie County Water Authority (3030 Union Road, Cheektowaga, New York), the Board of Fire Commissioners of Walden Fire District No. 2, New York State Assemblyman Dennis Gorski and New York State Senator Dale Volker.

Item No. 23 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Kaczmarek, seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga and the Town of Lancaster have entered into an Agreement authorizing the Town of Lancaster to contract, on behalf of itself and the Town of Cheektowaga, with the In-Home Support Services Corporation of Western New York, for the provision of an emergency home rehabilitation program and a home winterization program, AND

WHEREAS, the parties desire to extend the program with "In-Home" beyond the original contract term and with additional funding, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign an amendatory agreement with the Town of Lancaster for the purpose of extending the original agreement through November 30, 1979.

*See next two (2) pages for copy of amendatory agreement.

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT, entered into this day of 1979, by and between the Town of Lancaster, a municipal corporation of the State of New York, with principal offices located at 21 Central Avenue, Lancaster, New York, 14086 (hereafter referred to as the "Town"), and the *Town of Cheektowaga*, a municipal corporation of the State of New York, located at (hereinafter referred to as the "Municipality").

W I T N E S S E T H :

WHEREAS, the Town and the Municipality have entered into an Agreement dated March 1, 1978; authorizing the Town to contract, on behalf of itself and the Municipality, with the In-Home Support Services Corporation of Western New York (hereinafter referred to as "In-Home") for the provision of an emergency home rehabilitation program and a home winterization program; and

WHEREAS, the parties desire to extend the program with "In-Home" beyond the original contract term and with additional funding.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES, HERETO AS FOLLOWS:

1. The Agreement between the Town and the Municipality dated 3-1-78 is hereby extended through November 30, 1979.

2. The Town is hereby authorized to accept and expend additional community development Title I funds on behalf of the Municipality and the Town consistent with the terms of Exhibit 1 attached hereto and incorporated herein.

3. All other terms of the Agreement dated 3-1-78 and the First Amendatory Agreement dated _____ shall remain in full force and effect except as provided for above.

4. This Second Amendatory Agreement shall be effective as of February 28, 1979.

IN WITNESS WHEREOF, the parties have caused this Second Amendatory Agreement to be executed on the day and year first written above.

By _____
TOWN OF LANCASTER

By Kenneth J. Meyer
Town OF Chattanooga

Item No. 24 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga has entered into a Cooperation Agreement with the County of Erie for the purpose of undertaking or assisting in undertaking essential community development and housing assistance activities and publicly assisted housing under the Housing and Community Development Act of 1974 as amended, AND

WHEREAS, the County of Erie has received a grant for the 1979-80 program year from the United States Department of Housing and Urban Development to further the purposes of the said Act, AND

WHEREAS, the Town of Cheektowaga desires to enter into an Agreement with the County of Erie for the purpose of undertaking eligible activities under the Housing and Community Development Act of 1974, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign an Agreement with the County of Erie for the 1979-80 Community Development Program year, and BE IT

FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. John Mowatt, Erie County Community Development Director, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga will sponsor a Chopin-Paderewski Polish-American Arts Festival August 23rd through August 26th in Cheektowaga Town Park, and

WHEREAS, the Festival is being held in recognition of the achievements and contributions of Polish-Americans to this nation's cultural and artistic enrichment, and

WHEREAS, the Town of Cheektowaga wishes to engage the services of various performing artists to present performances during the Festival, NOW THEREFORE BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized to sign all agreements, on behalf of the Town of Cheektowaga, necessary to secure the services of various performing artists in relation to the Chopin-Paderewski Polish-American Arts Festival, which will be held from August 23rd through August 26th, 1979 in the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Johnson, seconded by Councilman Wegner

BE IT RESOLVED that the resolution passed at the June 18, 1979 Town Board meeting authorizing New York State Electric & Gas Corporation to

Item No. 27 Cont'd.

remove 2 - 7000 lumen mercury lamps and install 1 - 25500 lumen high pressure sodium lamp in Kelly Drive Park, Town of Cheektowaga, be and hereby is rescinded.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 28 Motion by Councilman Johnson, seconded by Councilman Wegner

BE IT RESOLVED that authorization is hereby given to New York State Electric & Gas Corporation to remove 1 - 7000 lumen mercury lamp (P-8, L-3298) at an annual decrease of \$50.00 and install 1 - 25500 lumen high pressure sodium lamp (P-8, L-3298) at an annual increase of \$95.00, in Kelly Drive Park, Town of Cheektowaga, for a total annual increase to the General Lighting District of \$45.00, in accordance with the attached proposal which is hereby made a part of this resolution.

*See next page for copy of street lighting proposal.

August 15, 1979

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA

Kelly Drive Park

Install 1 - 25500 lumen HPS lamp @ \$95.00 ea. ----- \$ 95.00
(P-8, L-3298)

Remove 1 - 7000 lumen mercury lamp @ \$50.00 ea. ----- \$ 50.00
(P-8, L-3298)

TOTAL ANNUAL INCREASE --- \$ 45.00

NEW YORK STATE ELECTRIC & GAS CORPORATION

Item No. 28 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, Notice to Bidders was duly published for receipt of bids for the Scajaquada Creek Structure Replacement, and which bids were duly received and opened at the regular Town Board Meeting of July 2, 1979, AND

WHEREAS, said bids were referred to the consulting firm of McFarland Johnson Engineers for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated July 19, 1979, AND

WHEREAS, said report recommended that the contract for the Scajaquada Creek pedestrian and highway bridge portion of the bid submission be awarded to Frank L. Ciminelli Construction Company, Inc., for the submission of the lowest bid meeting the requirements of the specifications for pedestrian and highway bridges included in Groups A and B, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the construction of pedestrian and highway bridges under the bond resolution adopted May 15, 1978, authorizing the construction of pedestrian and highway bridges be and hereby is awarded to Frank L. Ciminelli Construction Company, Inc., 135 Manhattan Avenue, Buffalo, New York 14215, for the submission of the lowest bid meeting the requirements of the specifications, and, BE IT FURTHER

RESOLVED, that the bid award in the amount of \$974,282.45 is for the construction of the McNaughton Avenue Bridge (Group A), the Central Boulevard Bridge (Group B), the Rosewood Terrace Pedestrian Bridge (Group A) and the Parkedge-David Pedestrian Bridge (Group A), and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign the contractual agreement with the Frank L. Ciminelli Construction Company, Inc.

*See next two (2) pages for tabulation and report.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

July 19, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Scajaquada Creek
Bridges & Culverts

Gentlemen:

At the regular Town Board Meeting of July 2, 1979, bids were received and opened for the construction of bridges and culverts to be funded under bond resolutions dated May 15, 1978. Seven (7) bidders submitted prices in three (3) groups. The specification required the bid award to be made on the total of all groups.

Group A - McNaughton Ave. Bridge, Rosewood Terr. Pedestrian Bridge, Parkedge (David) Pedestrian Bridge, Andres, Mildred and Toelsin Box Culverts

Group B - Central Blvd. Bridge, Cunard and Vegola Box Culverts

Group C - Broad, Chapel and Beryl Box Culverts

Bid totals are as follows:

<u>BIDDER</u>	<u>GROUPS A, B & C</u>	<u>GROUPS A & B ONLY</u>
Frank L. Ciminelli Construction Company, Inc.	\$2,129,961.96	\$1,835,955.17
Stimm Associates, Inc.	2,189,621.00	1,907,952.00
Oakgrove Construction Inc.	2,374,162.00	2,008,378.50
Nichter Associates, Inc.	2,444,348.80	2,069,332.25
Caradori Construction Co., Inc.	2,653,291.10	2,333,494.00
C.M.H. Co., Inc.	2,830,094.00	2,357,547.00
Amadori Construction Co., Inc.	3,243,961.65	2,740,647.00

The bond issue for the construction of bridges was in the amount of \$1,075,680.00. The lowest bid, as submitted by Frank L. Ciminelli Construction Company, Inc., for the bridges included in Groups A and B totaled \$974,282.45. If engineering, inspection, U.S. Army Corps of Engineers back charges and contingencies are added, then the total cost would be in excess of the bond issue. Award of the contract can be made as soon as the supplemental bond issue is in effect.

Supervisor and
Town Board Members

July 19, 1979

The bond issue for the reconstruction of culverts was in the amount of \$1,074,600.00. With the exception of Group C, box culverts, an award of contract for Groups A and B, box culverts, if awarded, will fall within the bond issue. It is recommended that the bid be awarded to Frank L. Ciminelli Construction Company, Inc., for the submission of the lowest bid for the following replacements included in Groups A and B. The three (3) culverts included in Group C can be awarded to the low bidder at such time as monies are available for anyone or all of the culverts.

Group A	-	Andres	\$ 152,471.45
		Mildred	176,431.63
		Toelsin	199,096.74
Group B	-	Cunard	170,161.21
		Vegola	<u>163,511.69</u>
		Total	\$ 861,672.72

McFarland-Johnson Engineers reviewed the bids and computed the cost attributed to each structure from the bid prices as submitted. They recommend that the bids be awarded to Frank L. Ciminelli Construction Company, Inc., for the submission of the total lowest bid price for bridges and culverts of Groups A, B and C. We concur with this recommendation and are submitting a resolution for your consideration at this time for the award of Group A and B culverts.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan

Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

Item No. 29 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the furnishing and installation of corrugated beam guide railings for Town requirements for the year of 1979/80, which bids were duly received and opened at a public meeting called for that purpose, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, said Town Engineer has submitted the same which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing and installation of the corrugated beam guide railings for the year of 1979/80 as per unit bid prices and as recommended by the Town Engineer be and the same is hereby awarded to Cable Guide Railing Construction Company, Inc., 89 Brandel Avenue, Lancaster, New York 14086, said bid being the lowest meeting the requirements of the specifications.

ITEM I

12 Gauge Rails (Including Installation) \$ 4.00/ft.

ITEM IA

10 Gauge Rails (Including Installation) \$ 4.90/ft.

Item 2 Terminal Wrap Around \$ 26.00 each

ITEM 3 Steel Post "H" \$ 32.40 each

ITEM 3A Steel Post "I" \$ 32.30 each

ITEM 4 Wood Post \$ 46.90 each

*See next two (2) pages for tabulation and report.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-688-8888

686-3448

August 16, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Corrugated Beam Guide
Railing Bids

Gentlemen:

At the Regular Town Board Meeting of August 6, 1979 bids were received and opened for the furnishing and installation of corrugated beam guide railing to satisfy various Town requirements throughout the year of 1979/80. Three (3) bids were received with the totals listed below.

	Cable Guide Company, Inc. Lancaster, NY	Elder Lee Inc. Oaks Corner, NY	Syro Steel Co. Girard, Ohio
Item 1 Rails 12 gauge	16,000	17,800	25,000
Item 1A Rails 10 gauge	4,900	5,400	6,650
Item 2 Terminal Ends (Each)	\$26.00	\$30.00	\$25.00
Item 3 Post-Steel "H" Type (Each)	\$32.40	\$30.30	\$47.00
Item 3A Post-Steel "I" Type (Each)	\$32.30	\$29.25	\$45.00
Item 4 Post Wood (Each)	\$46.90	\$49.00	\$40.00

TO THE SUPERVISOR AND
TOWN BOARD MEMBERS

August 16, 1979
Page 2

Averaging out the cost of posts to be used with the linear feet of rail anticipated for installation, it is, therefore, recommended that the bid be awarded to Cable Guide Railing Construction Company, Inc., 89 Brandel Avenue, Lancaster, New York, for submitting the lowest bid meeting the requirements of the specifications.

All bid awards are to be made on a unit price basis. The totals, as listed, were established for bid award purposes only.

Yours truly,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer


BY: Steven T. Marcynski
Sr. Engineer Assistant

CLB:STM:dmr

Item No. 30 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 31 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED, that Change Order No. 2 for the Buffalo Sewer Authority Connection of the Town of Cheektowaga Sewer District No. 5 Pollution Abatement Program in the amount of \$18,875.00 as an addition of the Amadori Construction Company, Inc., Contract No. 4, be approved. This addition is defined in a letter from the Town Engineer dated August 14, 1979 and considered part of this resolution, and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign said Change Order on behalf of the Town of Cheektowaga Sewer District No. 5.

*See next page for copy of letter.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-402-0000

686-3448

August 14, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: BSA Connection
Change Order No. 2

Gentlemen:

Enclosed for your consideration and approval is Change Order No. 2 on the BSA Connection Project in the additional amount of \$18,875.00.

This change involves the horizontal realignment of the two (2) 36" diameter force mains on Central Boulevard. This change permitted the removal and replacement of the entire south half of Central Boulevard. Work included the replacement of curbing along this section of Central Boulevard. The original routing would have utilized portions of both lanes. This would have left a weaker road edge on the south side and the old deteriorated curbing would have been left in place. Town Board approval is requested.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan
Chester L. Bryan, P.E.
Town Engineer

CLB:dmr

Item No. 31 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 32 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED, that Change Order No. 3 for the Buffalo Sewer Authority Connection of the Town of Cheektowaga Sewer District No. 5 Pollution Abatement Program in the amount of \$13,963.00 as an addition of the Amadori Construction Company, Inc., Contract No. 4, be approved. This addition is defined in a letter from the Town Engineer dated August 15, 1979 and considered part of this resolution, and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign said Change Order on behalf of the Town of Cheektowaga Sewer District No. 5.

*See next page for copy of letter.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-688-8888

686-3448

August 15, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: BSA Connection
Change Order No. 3

Gentlemen:

Attached for Town Board approval is a resolution authorizing a change on the BSA Connection Project. This is Change Order No. 3 in the additional amount of \$13,963.00. This change involves the additional costs incurred by the contractor in relocating a 24" force main at the Plant #5 site. Drawings incorrectly identified the force main as being 14" in diameter and the additional costs involve the added costs of material, machinery and complexity of force main relocation.

The change and the costs were reviewed and approved by the U.S. Army Corps of Engineers acting as inspectors for the New York State Department of Conservation.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan
Chester L. Bryan, P.E.
Town Engineer

CLB:dmr

Item No. 32 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, an emergency sanitary sewer repair was required on Winston Avenue east of Vegola Avenue in Sanitary Sewer District No. 5, which repair was ordered by the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED, that the voucher of Pagels Construction Company, Inc., 33 Homewood Road, Cheektowaga, New York 14227 in the amount of \$728.83 be paid.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Councilman Wegner, seconded by Councilman Kaczmarek

WHEREAS, Eugene H. Reszel has made application and requested the rezoning of property located at 1607 Como Park Boulevard, Cheektowaga, New York from R-Residential District to RC-Restricted Business District; said applicant possessing ownership of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held regarding said request under the provisions of the Zoning Ordinance on September 4, 1979 at 6:30 o'clock, P.M., Eastern Daylight Saving Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposeth and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 23 day of Aug, 1979 and ending on the (CR) day of _____, 19

Signed James Charters
Sworn to before me, on the 23
day of Aug, 1979
Carol M. Smith
Notary Public

CAROL M. SMITH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 4th day of September 1979, at 6:30 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Eugene H. Reszel to Rezone from R-Residential District to RC - Restricted Business District on property located at 1607 Como Park Blvd. and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

RICHARD M. MOLESKO
Town Clerk

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. No. 67, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of Como Park Boulevard (as monumented by J.J. Straley, Civil Engineer and Surveyor) at a distance of five hundred and forty-five thousandths (500.045) feet (measured along said south line of Como Park Boulevard) from a point of intersection of said south line of Como Park Boulevard with the east line of Sturm Avenue, said point of beginning being also the northeast corner of land deeded by the Bellevue Land and Improvement Company to Rose Pietrzycki by deed recorded in Erie County Clerk's Office in Liber 4299 of Deeds at Page 558 on April 5, 1947; running thence southerly on a line parallel to the west line of Transit Road and along the east side of said lands so deeded to Rose Pietrzycki four hundred five and seventy-seven hundredths (405.77) feet more or less to the north line of lands deeded by the Bellevue Land

and Improvement Company to Felix Czajkowski and Josephine Czajkowski his wife by deed dated December 16, 1941 and recorded in Erie County Clerk's Office in Liber 3210 of Deeds at page 373 on February 10, 1942; running thence easterly on a line at right angles to said west line of Transit Road and along the north line of said land so deeded to said Felix Czajkowski and Josephine Czajkowski his wife, one hundred thirty and eighty-six hundredths (130.86) feet more or less to the west line of lands deeded by the Bellevue Land and Improvement Company to Eugenia L. Rexzel by deed recorded in Erie County Clerk's office in Liber 3568 of Deeds at page 392; running thence northerly on a line parallel to said west line of Transit Road and along Reszel west line four hundred eleven and thirteen hundredths (411.13) feet more or less to the south line of Como Park Boulevard; running thence westerly along the southerly line of Como Park Boulevard to the point or place of beginning.

CAROL M. JORAC
Public Official
sh3

Item No. 35 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, at a regular Town Board meeting held on August 6, 1979, thirty (30) Dog Enumerators were hired to take the 1980 Dog Census for the Town of Cheektowaga, New York, AND

WHEREAS, three (3) of the enumerators listed on said resolution must be replaced, NOW, THEREFORE, BE IT

RESOLVED that said resolution of August 6, 1979, appointing thirty (30) Dog Enumerators to take the 1980 Dog Census, be and hereby is amended to read as follows:

DELETE:

Irene Grzybowski	Chktg., 14211
Christine Beresniewicz	Depew, 14043
James R. Stachewicz	Chktg., 14206

INCLUDE:

Helen Kozell	Chktg., 14225
Eugene Stachewicz, Jr.	Depew, 14043
Lucy Szrama	Chktg., 14225

and BE IT FURTHER RESOLVED that said resolution of August 6, 1979 be amended to include the following list of substitutes for the 1980 Dog Census:

Judy Pilley	Depew, 14043
Alice Sienicki	Chktg., 14225
Eleanore Wood	Chktg., 14225
Celia Brzyski	Chktg., 14227
Bernice Rusin	Chktg., 14206
Louise Tabone	Depew, 14043
Audrey Grabowski	Chktg., 14225
Mrs. McNary	Chktg., 14227
Karen Wojtkowski	Chktg., 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 36 Motion by Councilman Swiatek, seconded by Councilman Wegner

BE IT RESOLVED that the following be and hereby are hired by the Cheektowaga Recreation Department to work as Recreation Attendants at the various Town parks, at a rate of \$2.90 per hour, for the remainder of the 1979 summer season:

Deborah Buczkowski	Depew, 14043
Gail Gorski	Chktg., 14227
Tracey Olson	Chktg., 14227
Christine Zawadiwskyi	Chktg., 14227
Marianne Zieminski	Chktg., 14225
Patricia Nowakowski	Chktg., 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 37 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the necessary PO-17 forms have been submitted to the Erie County Department of Personnel for the creation of a position entitled "Director of Personal Services" in the Town of Cheektowaga, and

Item No. 37 Cont'd.

WHEREAS, the Erie County Department of Personnel has approved the creation of said position, NOW, THEREFORE, BE IT

RESOLVED that the position of "Director of Personal Services" in the Town of Cheektowaga, be and hereby is created.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 38 Motion by Councilman Dux, seconded by Councilman Kaczmarek

WHEREAS, the position of "Mechanic Helper" in the Central Garage had been posted in accordance with the bargaining agreement between the Town of Cheektowaga and Town of Cheektowaga Employees Association, NOW THEREFORE BE IT

RESOLVED that John Knoph, Laborer in the Central Garage be appointed to said position of "Mechanic Helper" in the Central Garage, at a salary in accordance with the Union Contract, said appointment to become effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek
and Wegner
NAYES: Councilman Burst
ABSENT: 0

Item No. 39 Motion by Councilman Dux, seconded by Councilman Kaczmarek

WHEREAS, there presently exists vacancies for the position of Police Officer in the Cheektowaga Police Department, and

WHEREAS, the Erie County Civil Service list of eligibles for the position of Police Officer has been canvassed and interviews and investigations of eligibles were conducted, NOW, THEREFORE, BE IT

RESOLVED that the following individuals, selected from the Erie County Civil Service List of eligibles, are hereby appointed to the position of "Police Officer" in the Cheektowaga Police Department, at a salary in accordance with the current bargaining agreement between the Town of Cheektowaga and the Cheektowaga Police Club; said appointments effective Wednesday, September 5, 1979.

Craig M. Hanson

Carl A. Hendel

Daniel M. Kean

Mitchell A. Kmiotek

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 40 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, Richard Kozell, a Police Officer in the Cheektowaga Police Department, has applied for Military Leave of Absence for September 8, 1979 to September 22, 1979, and his Order to report for military duty has been forwarded

Item No. 40 Cont'd.

to the Town Clerk, and

WHEREAS, Section 242 of the Military Law of the State of New York allows a military leave for the purpose of reporting for military duty pursuant to an Order up to a period of six months, and

WHEREAS, Section 242 of the Military Law also provides for the payment of the salary of such public employee for a period of thirty (30) days while on said military leave duty, NOW, THEREFORE, BE IT

RESOLVED that Richard Kozell, a Police Officer in the Cheektowaga Police Department, be and hereby is granted a military leave of absence for September 8, 1979 to September 22, 1979, and BE IT FURTHER

RESOLVED that said Richard Kozell be paid his salary or other compensation while on such military leave.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 41 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the State Office of Court Administration will be conducting a seminar for Town and Village Court Clerks in conjunction with the New York State Association of Magistrates Judicial Conference from September 16th through September 19th, 1979 at the Brown's Hotel, Loch Sheldrake, New York, and

WHEREAS, topics to be discussed at said conference include: Department of Audit and Control, Criminal Disposition Reporting, Procedures Upon Appeal, Small Claims Proceedings, and Court Administrative Functions, and

WHEREAS, Town Justices Henry R. Gabryszak, and Dennis L. Repka, have requested permission from the Town Board to authorize Thomas Kolbert, Clerk of Justice Court, to attend said Conference, NOW, THEREFORE, BE IT

RESOLVED that Thomas Kolbert is hereby authorized to attend the seminar for Town and Village Court Clerks, September 16th through September 19th, 1979, at the Brown's Hotel, Loch Sheldrake, New York, and BE IT FURTHER

RESOLVED that Thomas Kolbert shall be reimbursed for all necessary and reasonable travel expenses in connection with said conference, at a sum not to exceed \$400.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 42 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the State Board of Equalization and Assessment is holding a Training Program for Assessors, September 16th through September 19th, 1979, at Grossinger, New York, and

WHEREAS, the purpose of this Training Program will be an indepth display of the problems stemming from the revaluation program, and

WHEREAS, Andrew Schwenk, Sole Assessor for the Town of Cheektowaga, has requested permission to attend said Training Program, NOW, THEREFORE, BE IT

RESOLVED that Andrew Schwenk is hereby authorized to attend said Training Program, September 16th through September 19th, 1979, at Grossinger, New York, and BE IT FURTHER

Item No. 42 Cont'd.

RESOLVED that Andrew Schwenk shall be reimbursed for all necessary and reasonable travel expenses in connection with said Training Program at a cost not to exceed \$240.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 43 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA prior to August 20th, 1979 be and the same are hereby approved and the Supervisor is ordered to pay same.

FUND	CHECK NOS.		AMOUNT
	FROM	TO	
H.U.D.-N.P.P. FUND	110-112		\$ 180.00
H.U.D.-C.D.B.G. FUND	170-172		3,729.89
GENERAL FUND	11037-11544		1,126,235.51
PART TOWN FUND	35-44		8,521.51
SPECIAL ASSESSMENTS FUND	19		5,446.10
SPECIAL DISTRICT FUND	5501-5555, 6139		699,648.12
TRUST AND AGENCY FUND	689-693		29,858.27
FEDERAL REVENUE SHARING	175-190		129,654.08
CAPITAL FUND	233-238		648,757.96
HIGHWAY FUND	4726-4729		<u>43,612.93</u>
			<u>\$2,695,644.37</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 44 Dr. Louis Vendetti - Health report for month of July, 1979.
Item received and filed.

V. GENERAL COMMUNICATIONS

Item No. 45 N.Y.S.-D.O.T., Real Estate Division - Copy of Agreement of Adjustment and map re: Acquiring portion of bed of Leo Place.
Item referred to Supervisor Kenneth J. Meyers and Honorable Members of the Town Board and John V. Rogowski, Town Attorney.

Item No. 46 Erie County Department of Public Works - Notices of Closing Highways: Cunard Avenue and Vegola Avenue.
Item published in the CHEEKTOWAGA TIMES on August 9, 1979; received and filed.

Item No. 47 Notice of Claim - D.J. Molik, Attorney representing Amy Gill vs. Town of Cheektowaga.
Item referred to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Ed Leak-Recreation Director, Town Insurance Company; received and filed.

Item No. 48 Notice of Claim and Intention to Sue - Dan Szczerba vs. Town of Cheektowaga.
Item referred to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Ed Leak-Recreation Director, Town Insurance Company; received and filed.

Item No. 49 Board of Fire Commissioners, Walden Fire District No. 2 - Copy of resolution adopted 7/5/79 re: Town supply of gasoline to fire district in emergency situations.
Item referred to John V. Rogowski, Town Attorney and George Burst, Auto Mechanic Foreman-Central Garage; received and filed.

Item No. 50 Board of Fire Commissioners, Forks Fire District No. 3 - Copy of resolution adopted 7/30/79 re: Town supply of gasoline to fire district in emergency situations.
Item referred to John V. Rogowski, Town Attorney and George Burst, Auto Mechanic Foreman-Central Garage; received and filed.

Item No. 51 Board of Fire Commissioners, South Line Fire District No. 10 - Extract of minutes adopted 7/2/79 re: Town supply of gasoline to fire district in emergency situations.
Item referred to Honorable Members of the Town Board, John V. Rogowski, Town Attorney and George Burst, Auto Mechanic Foreman-Central Garage; received and filed.

Motion by Councilman Swiatek, seconded by Councilman Kaczmarek to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

VI. SUSPENSION OF RULES

Item No. 52 Memorialize Erie County Department of Public Works to undertake storm sewer cleaning program along William Street.

Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, a small portion of Wagner Street and other Town streets drain storm waters to William Street, an Erie County highway, and

WHEREAS, the William Street storm sewer starts at Colton Street and runs easterly to Cass Avenue where these William Street waters drain into the Town of Cheektowaga Cass Avenue storm sewer, and

WHEREAS, there have been complaints about street flooding along the drainage area tributary to William Street, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Highways be memorialized to undertake the storm sewer cleaning program along William Street from Colton Street to Cass Avenue so as to make the existing drainage system operational to its fullest hydraulic capacity, and, BE IT FURTHER

Item No. 52 Cont'd.

RESOLVED, that the Town Clerk transmit a copy of this resolution to Kenneth L. Reitmeier, Deputy Commissioner, Erie County Department of Public Works, Richard Slisz, Erie County Legislator and to William Stachowski, Erie County Legislator.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 53 Motion by Councilman Dux, seconded by Councilman Kaczmarek to adjourn the meeting.

RICHARD M. MOLESKI
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, corner of Broadway and Union Road, in said Town on the 27th day of August, 1979 at 1:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Robert Miller Deputy Town Attorney; Julia Reinstein, Town Historian; Chester Bryan, Town Engineer; Ed Leak, Recreation Director; Ron Marten, Building and Plumbing Inspector.

I. RESOLUTIONS

Item No. 2 Procedure to be followed at Town Board Meetings
This item was withdrawn until further notice.

Item No. 3 Motion by Councilman Johnson, seconded by Councilman Burst

WHEREAS, Games of Chance are authorized by the laws of New York, Chapter 960, Article 9-A, entitled "Local Option for Conduct of Games of Chance by Certain Organizations," and

WHEREAS, the Town of Cheektowaga is considering the adoption of the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW," and

WHEREAS, only certain games of chance, as authorized by Part 5620 of the Rules and Regulations of the Bureau of Games of Chance Regulation may be conducted under Chapter 960 of the Laws of 1976, and

WHEREAS, raffles have not been included as an authorized game of chance under Chapter 960 of the Laws of 1976, and

WHEREAS, many not-for-profit corporations in the Town of Cheektowaga desire to have raffles as an authorized game of chance, and

WHEREAS, the Town Board of the Town of Cheektowaga feels it is in the best interests of the citizens of the Town of Cheektowaga that raffles be included in the category of authorized Games of Chance, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga strongly urges the State Legislature and the Racing and Wagering Board to include raffles in the category of authorized Games of Chance under Article 9-A of Chapter 960 of the Laws of 1976 so that authorized organizations can raise funds for the promotion of bona fide charitable, educational, scientific, health, religious, and patriotic causes and undertakings, and BE IT FURTHER

RESOLVED that certified copies of this resolution be sent to State Senator Dale Volker, State Assemblyman Dennis Gorski, Governor Hugh L. Carey and the Director of the Racing and Wagering Board, Mr. Richard Carbisiero.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

21

Item No. 4

Motion by Councilman Johnson, seconded by Councilman Wegner

BE IT RESOLVED that a Public Hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967, be held on the 17th day of September, 1979 at 7:00 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in THE EXAMINER on the 30th day of August, 1979; said amendment being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 17th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

TRUCK ROUTE SYSTEM

Truck Route System - (a) A Truck route system upon which all trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are permitted to travel and operate, shall consist of the following highways:

1. Eggert Road between Buffalo City Line and Sugar Road
2. Sugar Road between Eggert Road and Pine Ridge Road
3. Pine Ridge Road between Sugar Road and Delavan Avenue
4. Delavan Avenue between Pine Ridge Road and the Buffalo City Line

(b) All trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are hereby excluded from Eggert Road, between Sugar Road and Delavan Avenue except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are excluded.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
Town Clerk

DATED: August 27, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposeth and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 30 day of Aug., 1919 and ending on the day of , 19

(ER)

Signed James Charters
Sworn to before me, on the 30
day of Aug., 1919
Lillian A. Reese
Notary Public

LILLIAN A. REESE
Notary Public, State of New York
Qualified in this County
My Commission Expires March 22, 1920

ELIAN A. MALIU
Property Rights
Office in the County
of Cheektowaga

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 17th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

TRUCK ROUTE SYSTEM

Truck Route System - (a) A truck route system upon which all trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are permitted to travel and operate, shall consist of the following highways:

1. Eggert Road between Buffalo City Line and Sugar Road
2. Sugar Road between Eggert Road and Pine Ridge Road
3. Pine Ridge Road between Sugar Road and Delavan Avenue

4. Delavan Avenue between Pine Ridge Road and the Buffalo City Line

(b) All trucks, tractors, and tractor-trailers combinations having a total gross weight in excess of five tons are hereby excluded from Eggert Road, between Sugar Road and Delavan Avenue except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are excluded.

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

Dated: August 27, 1979

RICHARD M. MOLESKI
Town Clerk

Item No. 5 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town Law of the State of New York contains authority for the enactment of an ordinance providing for the regulation of underground areas used for the storage of combustible liquids,

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 17th day of September, 1979 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether an ordinance regulating "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" shall be enacted, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in THE EXAMINER, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the hearing.

NOTICE OF HEARING

ON PROPOSAL TO ENACT

UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS

NOTICE IS HEREBY GIVEN THAT in pursuance of a resolution of the Town Board of the Town of Cheektowaga, duly passed on the 27th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 17th day of September, 1979 at 7:00 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether an ordinance regulating "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" shall be adopted and enacted, which Ordinance will regulate the storage, use and sale of gasoline and other flammable liquids from underground storage tanks, and the installation of operation of such tanks, and shall apply to all persons, firms, or corporations using, storing or selling gasoline and other flammable liquids from underground storage tanks. A copy of the proposed "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" ordinance is on file in the Town Clerk's Office where the same may be examined during regular business hours.

FURTHER NOTICE IS HEREBY GIVEN THAT, at the aforementioned hearing, consideration will be given to repealing Ordinance No. 33 of the Town of Cheektowaga, enacted on August 6, 1962, which pertains to the subject of underground storage of gasoline and other flammable liquids.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
Town Clerk

DATED: August 27, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 30 day of August, 1979 and ending on the ___ day of _____, 19__
(EF)

Signed James Charters
Sworn to before me, on the 30
day of Aug., 1979
William A. Jones
Notary Public

WILLIAM A. JONES
Notary Public, State of New York
Qualified in this County
My Commission Expires March 22, 1981

**NOTICE OF HEARING
ON PROPOSAL TO ENACT
UNDERGROUND STORAGE OF
GASOLINE AND OTHER
FLAMMABLE LIQUIDS**

NOTICE IS HEREBY GIVEN THAT in pursuance of a resolution of the Town Board of the Town of Cheektowaga, duly passed on the 27th day of August, 1979, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 17th day of September, 1979 at 7:00 p.m. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether an ordinance regulating "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" shall be adopted and enacted, which Ordinance will regulate the storage, use and sale of gasoline and other flammable liquids from underground storage tanks, and the installation and operation of such tanks, and shall apply to all persons, firms or corporations using, storing or selling gasoline and other flammable liquids from underground storage tanks. A copy of the proposed "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" ordinance is on file in the Town Clerk's Office where the same may be examined during regular business hours.

FURTHER NOTICE IS HEREBY GIVEN THAT, at the aforementioned hearing, consideration will be given to repealing Ordinance No. 33 of the Town of Cheektowaga, enacted on August 6, 1962, which pertains to the subject of underground storage of gasoline and other flammable liquids.

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

Dated: August 27, 1979
RICHARD M. MOLESKI
Town Clerk

FROM A ...
...
...
...

Item No. 6 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, this Town Board duly held a public hearing on the 20th day of August, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 80. Stop intersections designated.

The following intersection is designated as a stop intersection and a stop sign shall be erected on the following entrance street.

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
AUTUMNWOOD DRIVE	East-West	BRENTWOOD DRIVE	Northbound	S.E. Corner

Section 2. Time to take effect.

(a) This amendment shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in THE EXAMINER a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 30 day of August, 1979, and ending on the day of , 19

Signed James Charters
Sworn to before me, on the 30
day of Aug., 1979

Lillian A. Ansel
Notary Public

LILLIAN A. ANSEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 28, 1981

**EXTRACTS FROM MINUTES OF
CHEEKTOWAGA 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 Owen Roads, in said Town on the 27th day of August, 1979 at 1:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dix
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Councilman Wegner,
Seconded by Councilman Johnson.

WHEREAS, this Town Board duly held a public hearing on the 20th day of August, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE VII

Step and Yield Intersections

Section 80. Step intersections designated.

The following intersection is designated as a step intersection and a step sign shall be erected on the following entrance street.

Street: **AUTUMNWOOD DRIVE**;
Direction: East-West; Entrance
Street: **AGENTWOOD DRIVE**; Traffic
Steps: Northbound; Sign Location:
S.E. Corner.

Section 2. Time to take effect.

(a) This amendment shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in **THE EXAMINER** a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon roll call:

Supervisor Meyers	Voting AYE
Councilman Swiatek	Voting AYE
Councilman Johnson	Voting AYE
Councilman Dix	Voting AYE
Councilman Kaczmarek	Voting AYE
Councilman Burst	Voting AYE
Councilman Wegner	Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK

COUNTY OF ERIE

I, **RICHARD M. MOLESKI**, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 27, 1979, and minutes of said meeting have been duly record-

ed in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 27th day of August, 1979.

RICHARD M. MOLESKI

Town Clerk

**EXTRACTS FROM MINUTES OF
CHEEKTOWAGA 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 Roads, in said Town on the 27th day of August, 1979 at 1:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Councilman Wegner,
Seconded by Councilman Johnson.

WHEREAS, this Town Board duly held a public hearing on the 20th day of August, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is wherewith adopted and enacted:

ARTICLE VII

Stop and Yield Intersections

Section 80. Stop intersections designated.

The following intersection is designated as a stop intersection and a stop sign shall be erected on the following entrance street.

Street: **AUTUMNWOOD DRIVE;**
Direction: East-West; Entrance
Street: **WENTWOOD DRIVE;** Traffic
Stops: Northbound; Sign Location:
S.E. Corner.

Section 2. Time to take effect.

(a) This amendment shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in **THE EXAMINER** a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon roll call:

Supervisor Meyers	Voting AYE
Councilman Swiatek	Voting AYE
Councilman Johnson	Voting AYE
Councilman Dux	Voting AYE
Councilman Kaczmarek	Voting AYE
Councilman Burst	Voting AYE
Councilman Wegner	Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

I, **RICHARD M. MOLESKI**, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 27, 1979, and minutes of said meeting have been duly record-

ed in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 27th day of August, 1979.

RICHARD M. MOLESKI
Town Clerk

WHEREAS, the Town Board of the Town of Cheektowaga has been advised that Article 9-A of the General Municipal Law gives the Town of Cheektowaga the right, power and authority to authorize the conduct of games of chance by authorized organizations, and

WHEREAS, the Town Board of the Town of Cheektowaga has deemed it so be in the best interest of the community to consider the adoption of a "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW", and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to adopt a "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" of the Town of Cheektowaga, New York, NOW, THEREFORE, BE IT

RESOLVED that the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW," of the Town of Cheektowaga, New York be and the same is hereby adopted as follows:

CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW

1. Short Title

This ordinance shall be known and may be cited as the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW."

2. Statutory Authority: Applicability

A. This ordinance is subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law and amendments thereto and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.

B. This ordinance shall apply to the entire Town of Cheektowaga, outside the limits of the Villages of Depew and Sloan.

3. Definitions

A. The words and terms used in this ordinance shall have the same meaning as such words and terms used in Article 9-A of the General Municipal Law, unless otherwise provided herein or the context requires a different meaning.

B. As used in this ordinance, the following terms shall have the meanings indicated:

Officer - The Chief of Police of the Town of Cheektowaga for the purposes of this ordinance, shall be the Chief Law Enforcement Officer Thereof.

Town - The Town of Cheektowaga

4. Games of Chance Authorized; License Required

A. The Town Board of the Town of Cheektowaga, New York hereby provides that it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 9-A of the General Municipal Law to conduct games of chance within the territorial limits of the Town of Cheektowaga, subject to the provisions of this ordinance.

5. Sale of Alcoholic Beverages

During the conduct of games of chance, beer may be offered for sale, but the

Item No. 7 cont'd

offering of all other alcoholic beverages is prohibited on games of chance premises.

6. Games Permitted on Sunday

The conduct of games of chance on Sundays is authorized except as otherwise provided in Article 9-A of the General Municipal Law.

7. When Effective

This ordinance shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November of 1979 for the purpose of approving this ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

8. Severability

If any provisions of this ordinance or the application thereof to any person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this ordinance without the invalid provision or application, as the case may be, had such invalidity been apparent.

and BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 27th day of August, 1979; and that certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and

BE IT FURTHER RESOLVED that the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk, and

BE IT FURTHER RESOLVED that the aforementioned "GAMES OF CHANCE LICENSING LAW" of the Town of Cheektowaga, New York shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November, 1979 for the purpose of approving the aforementioned ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHON 32-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.

Eleanor Measer

being duly sworn, deposes and says that she is the
Office Manager of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 30th day of August,
1979, and the last insertion being on the same
day of _____, 19_____.

Subscribed and sworn to before me this 30th day

Eleanor Measer

of August, 19 79

Susan Schasel Susan Schasel

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 27th day of August, 1979 at 1:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Councilman Wegner, Seconded by Councilman Johnson

WHEREAS, the Town Board of the Town of Cheektowaga has been advised that Article 9-A of the General Municipal Law gives the Town of Cheektowaga the right, power and authority to authorize the conduct of games of chance by authorized organizations, and

WHEREAS, the Town Board of the Town of Cheektowaga has deemed it to be in the best interest of the community to consider the adoption of a "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW," and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 20th day of August, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to adopt a "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" of the Town of Cheektowaga, New York, now, therefore, BE IT

RESOLVED that the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW" of the Town of Cheektowaga, New York, be and the same shall be as follows:

**CHEEKTOWAGA
GAMES OF CHANCE
LICENSING LAW**

1. Short Title

This ordinance shall be known and may be cited as the "CHEEKTOWAGA GAMES OF CHANCE LICENSING LAW."

2. Statutory Authority: Applicability

A. This ordinance is subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law and amendments thereto and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.

B. This ordinance shall apply to the entire Town of Cheektowaga, outside the limits of the Villages of Depew and Sloan.

3. Definitions

A. The words and terms used in this ordinance shall have the same meaning as such words and terms used in Article 9-A of the General Municipal Law, unless otherwise provided herein or the context requires a different meaning.

B. As used in this ordinance, the following terms shall have the meanings indicated:

Officer - The Chief of Police of the Town of Cheektowaga for the purposes of this ordinance, shall be the Chief Law Enforcement Officer thereof.

Town - The Town of Cheektowaga

4. Games of Chance Authorized; License Required

A. The Town Board of the Town of Cheektowaga, New York hereby provides that it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 9-A of the General Municipal Law to conduct games of chance within the territorial limits of the Town of Cheektowaga, subject to the provisions of this ordinance.

5. Sale of Alcoholic Beverages
During the conduct of games of chance, beer may be offered for sale, but the offering of all other alcoholic beverages is prohibited

on games of chance premises.

6. Games Permitted on Sunday
The conduct of games of chance on Sundays is authorized except as otherwise provided in Article 9-A of the General Municipal Law.

7. When Effective

This ordinance shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November of 1979 for the purpose of approving this ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

8. Severability

If any provisions of this ordinance or the application thereof to any person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application thereof to other persons and circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this ordinance without the invalid provision or application, as the case may be, had such invalidity been apparent.

and
BE IT FURTHER RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga, New York on the 27th day of August, 1979, and that certified copies thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and

BE IT FURTHER RESOLVED that the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk, and

BE IT FURTHER RESOLVED that the aforementioned "GAMES OF CHANCE LICENSING LAW" of the Town of Cheektowaga, New York shall take effect immediately after proper posting and publication as provided in the Town Law, in the event that, at a referendum to be held at the general election in November, 1979 for the purpose of approving the aforementioned ordinance pursuant to the provisions of law, a majority of the qualified electors of the Town of Cheektowaga voting at said referendum shall approve the same by voting for the proposition.

Upon roll call -
Supervisor Meyers
Voting AYE
Councilman Swiatek
Voting AYE
Councilman Johnson
Voting AYE
Councilman Dux
Voting AYE -
Councilman Kaczmarek
Voting AYE
Councilman Burst
Voting AYE
Councilman Wegner
Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE
I, RICHARD M. MOLESKI,
Town Clerk of the Town herein-
after described, DO HEREBY
CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 27

1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 27th day of August, 1979.

(SEAL) -
Richard M. Moleski
Town Clerk
Aug. 30

**EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
TOWN BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New

Item No. 8 Motion by Councilman Wegner, seconded by Supervisor Meyers

WHEREAS, the Town Board of the Town of Cheektowaga, New York has previously adopted, on October 2, 1978, a "DOG LICENSE FEE ORDINANCE," and

WHEREAS, Section 110 (1) of the Agriculture and Markets Law of New York sets forth minimum license fees which make it necessary that the Town of Cheektowaga amend its present "DOG LICENSE FEE ORDINANCE," and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said "DOG LICENSE FEE ORDINANCE" and gave due notice as required by law, and

WHEREAS, a public hearing on said proposed "DOG LICENSE FEE ORDINANCE" was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to amend the present "DOG LICENSE FEE ORDINANCE" of the Town of Cheektowaga, New York, NOW, THEREFORE, BE IT

RESOLVED that the "DOG LICENSE FEE ORDINANCE" of the Town of Cheektowaga, New York be and the same is hereby adopted as follows:

Local License fee enumerated; when effective

A. Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$2.50 for each dog license issued by the Town of Cheektowaga, New York under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.

	<u>State</u>	<u>Local</u>	<u>Total Fee</u>
Neutered and Spayed Dogs	\$2.50	\$2.50	\$ 5.00
Unneutered and Unspayed Dogs	\$7.50	\$2.50	\$10.00

B. Local License fees shall take effect on October 1, 1979, and
BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 27th day of August, 1979; and that a certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein.

That the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk.

The aforementioned "DOG LICENSE FEE ORDINANCE" of the Town of Cheektowaga, New York shall take effect October 1, 1979 after such publication and posting.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

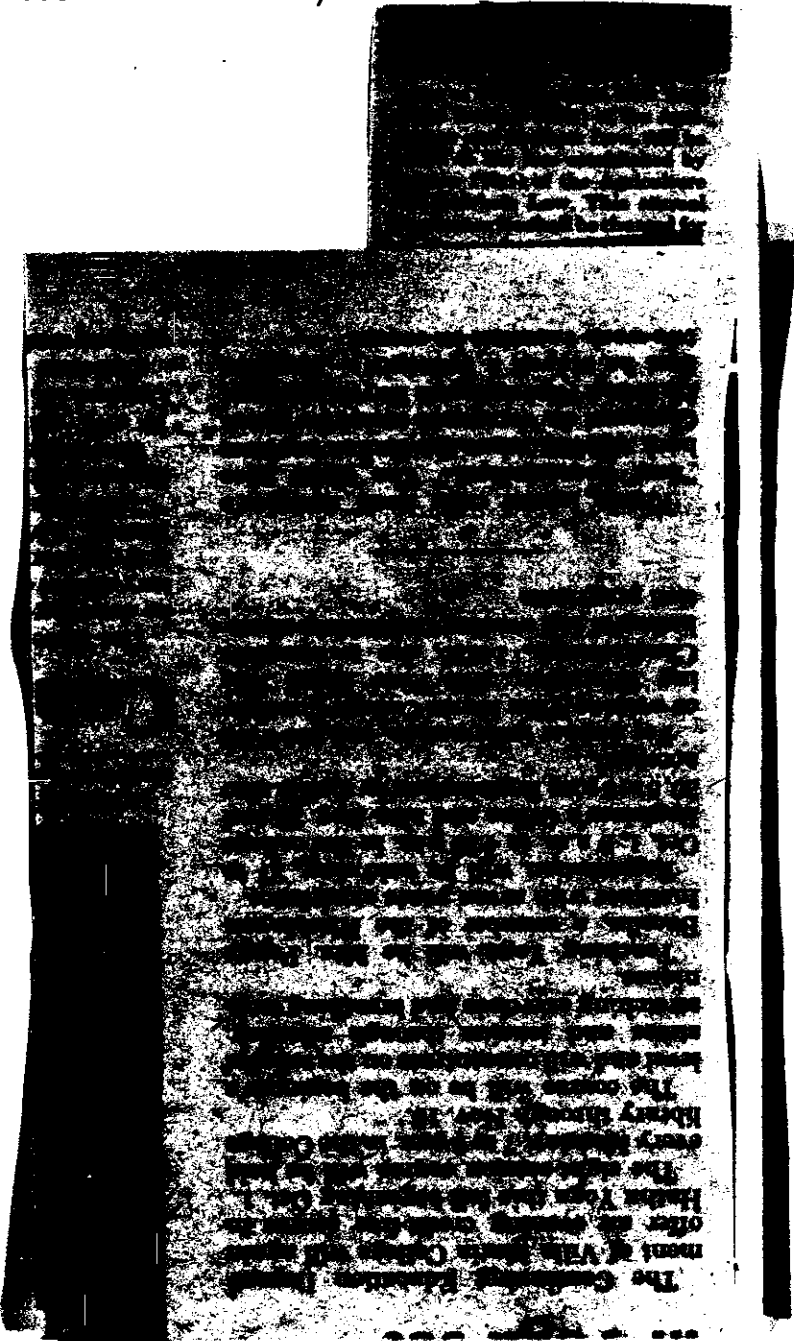
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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



Eleanor Measer
being duly sworn, deposes and says that he is the
Office Manager of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 30th day of August,
1979, and the last insertion being on the same
day of _____, 19____.

Subscribed and sworn to before me this 30th day

Eleanor Measer

of August, 1979

Susan Schasel Susan Schasel
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

PROOF OF PUBLICATION



Publishers Of:

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STATE OF NEW YORK
COUNTY OF ERIE

ss.

of the State of New York, an annual dog license fee of \$2.50 for each dog license issued by the Town of Cheektowaga, New York under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.

Neutered and Spayed Dogs:
State - \$2.50; Local - \$2.50; Total Fee - \$5.00.

Unneutered and Unspayed Dogs: State - \$7.50; Local - \$2.50; Total Fee - \$10.00.

B. Local license fees shall take effect on October 1, 1979, and BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 27th day of August, 1979; and that a certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein.

That the Town Clerk caused to be posted on the sign-board maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk.

The aforementioned "DOG LICENSE FEE ORDINANCE" of the Town of Cheektowaga, New York shall take effect October 1, 1979 after such publication and posting.

Upon roll call -
Supervisor Meyers
Voting AYE
Councilman Swiatek
Voting AYE
Councilman Johnson
Voting AYE
Councilman Dux
Voting AYE
Councilman Kaczmarek
Voting AYE
Councilman Burst
Voting AYE
Councilman Wegner
Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI,
Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 27 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 8, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 27th day of August, 1979.

(SEAL)
RICHARD M. MOLESKI
Town Clerk
Aug. 30

Eleanor Measer

being duly sworn, deposes and says that she is the Office Manager of the Cheektowaga News, a public newspaper published at Williamsville, New York, that the notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for 1 weeks, the first insertion being on the 30th day of August, 1979, and the last insertion being on the same day of 1979.

Eleanor Measer

Done

Form No. 1

EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
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 Roads, in said Town on the 27th day of August, 1979 at 1:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0
Motion by Councilman Wegner, seconded by Supervisor Meyers

WHEREAS, the Town Board of the Town of Cheektowaga, New York has previously adopted, on October 2, 1978, a "DOG LICENSE FEE ORDINANCE," and

WHEREAS, Section 110(1) of the Agriculture and Markets Law of New York sets forth minimum license fees which make it necessary that the Town of Cheektowaga amend its present "DOG LICENSE FEE ORDINANCE," and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said "DOG LICENSE FEE ORDINANCE" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed "DOG LICENSE FEE ORDINANCE" was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to amend the present "DOG LICENSE FEE ORDINANCE" of the Town of Cheektowaga, New York, NOW, THEREFORE, BE IT

RESOLVED that the "DOG LICENSE FEE ORDINANCE" of the Town of Cheektowaga, New York be and the same is hereby adopted as follows:

Local License fees enumerated; when effective
A. Pursuant to Section 110(4) of the Agriculture and Markets Law

WHEREAS, this Town Board, at a regular meeting held on the 6th day of August, 1979, duly adopted a Resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to reconsider the advisability of adopting and enacting an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" and in addition, to consider the adoption of the critical environmental areas as identified in such ordinance, and

WHEREAS, notice of said public hearing was duly published as required by law, not less than ten (10) days prior to the date of the hearing; and

WHEREAS, pursuant to said Resolution, a public hearing on said "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" which identifies critical environmental areas was duly held by this Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York, on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time; at which hearing all persons interested in the subject matter had an opportunity to be heard; and at the conclusion thereof, this Town Board took the matter under advisement and has now determined that it is in the public interest to adopt the critical environmental areas as such and to adopt and enact an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE",

NOW, THEREFORE, BE IT RESOLVED, that an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" identifying critical environmental areas be, and the same hereby is, adopted and enacted, providing as follows:

ENVIRONMENTAL IMPACT REVIEW ORDINANCE OF
THE TOWN OF CHEEKTOWAGA, NEW YORK

1. This ordinance shall be known and may be cited as the "ENVIRONMENTAL IMPACT REVIEW ORDINANCE OF THE TOWN OF CHEEKTOWAGA, NEW YOR."
2. This ordinance is adopted pursuant to Article 8 of the New York State Environmental Conservation Law in order to provide for a review of actions to determine if such actions may have a significant effect on air, water, and land quality.
3. (a) Unless the context shall otherwise require, the terms, phrases and words and their derivatives used in this ordinance shall have the same meaning as those defined in Section 8-0113 of the Environmental Conservation Law of the State of New York and Part 617 of Title 6 New York Code of Rules and Regulations
(b) "Town" shall mean the Town of Cheektowaga.
(c) "NYCRR" shall mean the New York Code of Rules & Regulations.
4. No decision to carry out or approve an action other than an action listed in Section 5(b) hereof or Section 617.13 of Title 6 of the NYCRR as a Type II action shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all the requirements of this ordinance and Part 617 of Title 6 of NYCRR, provided however, that nothing herein shall be construed as prohibiting:
 - (a) the conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Town to approve, commence or engage in such action, or
 - (b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this ordinance and Part 617 of Title 6 of NYCRR has been fulfilled.
5. (a) The following action, in place of Section 5(iii), and in addition to those listed in Section 617.12 of Title 6 of NYCRR and the criteria therein, as Type I actions, is likely to have a significant effect on the environment:
 - (1) Construction of new residential units which meet or exceed the

Item No. 9 cont'd

following threshold; in a city, town, or village having a population of less than 150,000: 100 units connected to community or publicly-owned utilities.

(2) The following areas, following written public notice and public hearings, shall be designated as critical environmental areas and such designation shall be filed with the Commissioner of the Department of Environmental Conservation pursuant to Section 617.4(j) of Title 6 of NYCRR.

(i) that land commonly known as the Reinstein Preserve; a 190 acre nature sanctuary, bounded generally by Como Park Boulevard, Losson Road, and Hitchcock Drive.

(ii) freshwater wetlands, located within the Town, including, but not limited to those areas designated same by the Department of Environmental Conservation; in addition to those lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation.

(b) The following actions, in addition to those listed in Section 617.13 of Title 6 of NYCRR and the criteria therein, as Type II actions, are deemed not to have a significant effect on the environment:

(1) extension of addition of a commercial building with a threshold of 3,000 square feet.

(2) modification of an existing single family dwelling to a double

(3) extension of utility distribution facilities serving new or altered single or two-family structures or rendering service in an approved subdivision

(4) construction of new single-family or double-family homes, unless part of a subdivision

(5) repair, rehabilitation and maintenance of buildings and facilities.

6. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits, licenses, rezonings, special permits, or other actions listed as Type I actions in Section 617.12 of Title 6 of NYCRR and Section 5(a) herein, shall file a written statement hereinafter referred to as the Environmental Assessment Form (EAF) with the Intake Officer, setting forth the name of the applicant; the location of the real property affected, if any; a site description and description of the nature of the project. In addition, applicants may include a detailed statement of the reasons why in their view, a proposed action may or will not have a significant effect on the environment. Such statement shall be filed with the application and shall contain such additional, relevant, and explanatory information as the Intake Officer shall require together with drawings, sketches, and maps, if any.

If the application involves a Town project not exempt under Section 5(b) herein of Section 617.13 of Title 6 of NYCRR as a Type II action, the department proposing the action shall prepare the EAF.

If the action is one which is unlisted, an EAF is not necessary, but a short EAF may be completed. Whether or not an EAF is prepared, a written record of the information upon which determination of significance is based shall be maintained.

Upon initial screening of the proposed action by the Intake Officer, the applicant has seven (7) days to complete the appropriate form and statement. If the Intake Officer, upon initial screening, determines the proposed action to be Type II or exempt as listed in Sections 617.13 or 617.2 of Title 6 of NYCRR or Section 5(b) herein, no review is necessary.

7. The Building and Plumbing Inspector shall be designated the Intake Officer.

Item No. 9 cont'd

8. If no other agencies are involved, the Town Board of the Town of Cheektowaga shall be designated as the lead agency. If other agencies are involved, the completed EAF and application shall be mailed to them, and a lead agency designated by mutual agreement within thirty (30) days of the EAF being mailed. The criteria of Section 617.6(d)(1) of Title 6 of NYCRR shall be followed in designating the lead agency.

If the action is unlisted, and other agencies are involved, Section 617.7 of Title 6 of NYCRR shall be followed.

Upon receipt of a completed application, the Building and Plumbing Inspector shall cause a notice of the EAF and project information to be published in a newspaper of the Town, describing the nature of the proposed project and stating that written views thereon of any person shall be received by the Advisory Committee no later than a date specified in such notice.

The Advisory Committee may within thirty (30) days hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

9. The Advisory Committee shall be composed of: (1) Town Health Officer, (2) Town Engineer, (3) Town Superintendent of Highways, (4) Town Planning Board Chairman and (5) Traffic Control Officer of Town of Cheektowaga Police Department.
10. Every EAF shall be accompanied by a fee of Fifty Dollars (\$50.00) to defray expenses.
11. The Advisory Committee shall render a determination of significance or non-significance based on criteria of Section 617.11 of Title 6 of NYCRR within forty-five (45) days following receipt of a completed application, provided however, that such period may be extended by mutual agreement of the applicant and the Advisory Committee. If the proposed action is not an exempt action, not an action listed in Section 5(b) herein or 617.13 of Title 6 of NYCRR as a Type II action and will not have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate for Type I actions only, a Negative Declaration as provided in Section 617.10 (b) of Title 6 of NYCRR and thereafter the proposed action may be processed without further regard to this local ordinance. If the Advisory Committee determines that the proposed action may have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate such determination as provided in Section 617.10(c), Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with provisions of this local ordinance and Part 617 of NYCRR.
12. Following a determination that a proposed action may have a significant effect on the environment, the Building and Plumbing Inspector shall immediately notify the applicant or agency of the determination and shall request that a draft environmental impact statement (DEIS) be prepared; focusing on the concerns expressed by other interested parties.

If the applicant or agency fails to submit the DEIS in a reasonable time, the Building and Plumbing Inspector shall notify the applicant or agency that the processing of the application shall cease and that no approval will be issued.

Said DEIS shall be submitted with a fee of Fifty Dollars (\$50.00)

13. (a) Upon completion of a DEIS, a Notice of Completion shall be prepared by the Building and Plumbing Inspector. It shall contain at least the following information:
- (1) a brief and precise description of the action covered by the statement; the location and nature of its potential environmental impacts and effects.
 - (2) where and how copies of the DEIS can be obtained.
 - (3) a statement that public comment is requested and will be accepted for thirty (30) days from filing of the Notice of Completion of ten (10) days following the close of a hearing if one is held.

Item No. 9 cont'd

- (b) A copy of the Notice of Completion and/or a copy of the DEIS shall be filed with those listed in Section 617.10 (d) and (e) of Title 6 of NYCRR.
 - (c) If the Advisory Committee determines that a public hearing shall be had, notice shall be published in a town newspaper at least ten (10) days prior to such public hearing. Such notice shall also state the place where substantive written comments on the DEIS may be sent and the date before which such comments shall be received. Said hearing shall commence no less than fifteen (15) days nor more than sixty (60) days after the filing of the DEIS, except as otherwise provided where the Advisory Committee determines that additional time is necessary for the public or other agency review of the DEIS or where a different hearing date is required as appropriate under other applicable law.
14. If, on the basis of the DEIS, comments received, and the record of the public hearing, if one is held, the Advisory Committee determines that an action will not have a significant effect on the environment, a negative declaration shall be filed pursuant to Section 617.10(b) of Title 6 of NYCRR and the proposed action may be processed without further regard to this ordinance.
15. If an action may have a significant effect on the environment, the Building and Plumbing Inspector shall prepare a final environmental impact statement (FEIS) adhering to the following format:
- (a) all revisions to the DEIS are marked as such
 - (b) copies or a summary of all substantive comments received are appended.
 - (c) the source of each comment is noted (whether made in writing or at a public hearing)
 - (d) the Advisory Committee's response to each of the comments

The FEIS shall be prepared within sixty (60) days after the filing of the DEIS or within forty-five (45) days after the close of the hearing, whichever last occurs, provided however, the Building and Plumbing Inspector may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.

Such FEIS shall be accompanied by a fee of Fifty Dollars (\$50.00) to defray expenses of the Town in evaluating same.

16. A Notice of Completion of a FEIS shall be prepared, filed and sent by the Building and Plumbing Inspector pursuant to Section 617.10(g) and (h) of Title 6 of NYCRR.
17. No decision to carry out or approve an action which has been the subject of a FEIS by the Advisory Committee or by any other agency shall be made until after the filing and consideration of the FEIS. The Lead Agency shall make a decision whether or not to approve the action not less than ten (10) days or more than thirty (30) days of the filing of the FEIS. It shall approve or disapprove the action based on criteria of Section 617.11 of Title 6 NYCRR.
18. When the Town Board decides to carry out or a-prove an action which may have a significant effect on the environment it shall make the following findings in a written determination:
- (a) consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements; and
 - (b) all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse advironmental effects; and
 - (c) a summary of the information in the EIS which supports this decision.

Item No. 9 cont'd

19. The Town shall maintain files open for public inspection of all Positive Declarations, Negative Declarations, Notices of Completion, Draft and Final Environmental Impact Statements and written determinations prepared or cause to be prepared by the Lead Agency.
20. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; to this end the provisions of this ordinance are hereby declared to be severable.
21. Upon adoption by the Town Board, this ordinance shall take effect ten (10) days after its publication as required by the laws of the State of New York, except this ordinance 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, showing the date of its passage and entry in the minutes. This ordinance shall not apply to actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies.

and

BE IT FURTHER RESOLVED that this ordinance shall apply within the Town of Cheektowaga outside of the limits of the Village of Depew and the Village of Sloan, and

BE IT FURTHER RESOLVED, that a copy of this resolution, and the "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" which identifies the critical environmental areas be entered in the minutes, and published at least once in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and

BE IT FURTHER RESOLVED, that the affidavit of such publication shall be filed with the Town Clerk.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.

Eleanor Measer
being duly sworn, deposes and says that she is the
Office Manager of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 30th day of August,
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 30th day Eleanor Measer
of August, 1979
Susan Schasel Susan Schasel
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
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 Roads, in said Town on the 27th day of August, 1979 at 1:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, this Town Board, at a regular meeting held on the 6th day of August, 1979, duly adopted a Resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to reconsider the advisability of adopting and enacting an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" and in addition, to consider the adoption of the critical environmental areas as identified in such ordinance; and

WHEREAS, notice of said public hearing was duly published as required by law, not less than ten (10) days prior to the date of the hearing; and

WHEREAS, pursuant to said Resolution, a public hearing on said "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" which identifies critical environmental areas was duly held by this Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York, on the 20th day of August, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time; and at which hearing all persons interested in the subject matter had an opportunity to be heard; and, at the conclusion thereof, this Town Board took the matter under advisement and has now determined that it is in the public interest to adopt the critical environmental areas as such and to adopt and enact an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE".

NOW, THEREFORE, BE IT RESOLVED, that an "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" identifying critical environmental areas be, and the same hereby is, adopted and enacted, providing as follows:

ENVIRONMENTAL IMPACT REVIEW ORDINANCE OF THE TOWN OF CHEEKTOWAGA, NEW YORK.

1. This ordinance shall be known and may be cited as the "ENVIRONMENTAL IMPACT REVIEW ORDINANCE OF THE TOWN OF CHEEKTOWAGA, NEW YORK."

2. This ordinance is adopted pursuant to Article 8 of the New York State Environmental Conservation Law in order to provide for a review of actions to determine if such actions may have a significant effect on air, water, and land quality.

3. (a) Unless the context shall otherwise require, the terms, phrases and words and their derivatives used in this ordinance shall have the same meaning as those defined in Section 8-0113 of the Environmental Conservation Law of the State of New York and Part 617 of Title 6 New York Code of Rules and Regulations.

(b) "Town" shall mean the Town of Cheektowaga.

(c) "NYCRR" shall mean the New York Code of Rules and Regulations.

4. No decision to carry out or approve an action other than an action listed in Section 5(b) hereof or Section 617.13 of Title 6 of the NYCRR as a Type II action shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all the requirements of this ordinance and Part 617 of Title 6 of NYCRR, provided however, that nothing herein shall be construed as prohibiting:

(a) the conducting of contemporaneous environmental, engineer-

ing, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Town to approve, commence or engage in such action, or

(b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this ordinance and Part 617 of Title 6 of NYCRR has been fulfilled.

5. (a) The following action, in place of Section 5(iii), and in addition to those listed in Section 617.12 of Title 6 of NYCRR and the criteria therein, as Type I actions, is likely to have a significant effect on the environment:

(1) Construction of new residential units which meet or exceed the following threshold: in a city, town, or village having a population of less than 150,000: 100 units connected to community or publicly-owned utilities.

(2) The following areas, following written public notice and public hearings, shall be designated as critical environmental areas and such designation shall be filed with the Commissioner of the Department of Environmental Conservation pursuant to Section 617.4(j) of Title 6 of NYCRR:

(i) that land commonly known as the Reinsteiner Preserve, a 190 acre nature sanctuary, bounded generally by Como Park Boulevard, Lossen Road, and Hitchcock Drive.

(ii) freshwater wetlands, located within the town, including, but not limited to those areas designated same by the Department of Environmental Conservation; in addition to those lands and submerged lands commonly called marshes, swamps, sloughs, bogs and flats supporting aquatic or semi-aquatic vegetation.

(b) The following actions, in addition to those listed in Section 617.13 of Title 6 of NYCRR and the criteria therein, as Type II actions, are deemed not to have a significant effect on the environment:

(1) extension or addition of a commercial building with a threshold of 3,000 square feet.

(2) modification of an existing single family dwelling to a double

(3) extension of utility distribution facilities serving new or altered single or two-family structures or rendering service in an approved subdivision

(4) construction of new single-family or double-family homes, unless part of subdivision

(5) repair, rehabilitation and maintenance of buildings and facilities.

6. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits, licenses, rezonings, special permits, or other actions listed as Type I actions in Section 617.12 of Title 6 of NYCRR and Section 5(a) herein, shall file a written statement hereinafter referred to as the Environmental Assessment Form (EAF) with the Intake Officer, setting forth the name of the applicant; the location of the real property affected, if any; a site description and description of the nature of the project. In addition, applicants may include a detailed statement of the reasons why in their view, a proposed action may or will not have a significant effect on the environment. Such statement shall be filed with the application and shall contain such additional, relevant, and explanatory information as the Intake Officer shall require together with drawings, sketches, and maps, if any.

If the application involves a Town project not exempt under Section 5(b) herein or Section 617.13 of Title 6 of NYCRR as a Type II action, the department proposing the action shall prepare the EAF.

If the action is one which is unlisted, an EAF is not necessary, but a short EAF may be completed. Whether or not an EAF is prepared, a written record of the information upon which determination of significance is based shall be maintained.

Upon initial screening of the proposed action by the Intake Officer, the applicant has seven

(7) days to complete the appropriate form and statement. If the Intake Officer, upon initial screening, determines the proposed action to be Type II or exempt as listed in Sections 617.13 or 617.2 of Title 6 of NYCRR or Section 5(b) herein, no review is necessary.

7. The Building and Plumbing Inspector shall be designated the Intake Officer.

8. If no other agencies are involved, the Town Board of the Town of Cheektowaga shall be designated as the lead agency. If other agencies are involved, the completed EAF and application shall be mailed to them, and a lead agency designated by mutual agreement within thirty (30) days of the EAF being mailed. The criteria of Section 617.6(d) (1) of Title 6 of NYCRR shall be followed in designating the lead agency.

If the action is unlisted, and other agencies are involved, Section 617.7 of Title 6 of NYCRR shall be followed.

Upon receipt of a completed application, the Building and Plumbing Inspector shall cause a notice of the EAF and project information to be published in a newspaper of the Town, describing the nature of the proposed project and stating that written views thereon of any person shall be received by the Advisory Committee no later than a date specified in such notice.

The Advisory Committee may within thirty (30) days hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

9. The Advisory Committee shall be composed of: (1) Town Health Officer, (2) Town Engineer, (3) Town Superintendent of Highways, (4) Town Planning Board Chairman and (5) Traffic Control Officer of Town of Cheektowaga Police Department.

10. Every EAF shall be accompanied by a fee of Fifty Dollars (\$50.00) to defray expenses.

11. The Advisory Committee shall render a determination of significance or non-significance based on criteria of Section 617.11 of Title 6 of NYCRR within forty-five (45) days following receipt of a completed application, provided however, that such period may be extended by mutual agreement of the applicant and the Advisory Committee. If the proposed action is not an exempt action, not an action listed in Section 5(b) herein or 617.13 of Title 6 of NYCRR as a Type II action and will not have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate for Type I actions only, a Negative Declaration as provided in Section 617.10(b) of Title 6 of NYCRR and thereafter the proposed action may be processed without further regard to this local ordinance. If the Advisory Committee determines that the proposed action may have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate such determination as provided in Section 617.10(c), Title 6 of NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with provisions of this local ordinance and Part 617 of Title 6 of NYCRR.

12. Following a determination that a proposed action may have a significant effect on the environment, the Building and Plumbing Inspector shall immediately notify the applicant or agency of the determination and shall request that a draft environmental impact statement (DEIS) be prepared; focusing on the concerns expressed by other interested parties.

If the applicant or agency fails to submit the DEIS in a reasonable time, the Building and Plumbing Inspector shall notify the applicant or agency that the processing of the application shall cease and that no approval will be issued.

Said DEIS shall be submitted with a fee of Fifty Dollars (\$50.00).

13. (a) Upon completion of a DEIS, a Notice of Completion shall be prepared by the Building and Plumbing Inspector. It shall contain at least the following information:

(1) a brief and precise description of the action covered by the statement; the location and nature of its potential environmental impacts and effects.

(2) where and how copies of the DEIS can be obtained.

(3) a statement that public comment is requested and will be accepted for thirty (30) days from filing of the Notice of Completion or ten (10) days following the close of a hearing if one is held.

(b) A copy of the Notice of Completion and/or a copy of the DEIS shall be filed with those listed in Section 617.10(d) and (e) of Title 6 of NYCRR.

(c) If the Advisory Committee determines that a public hearing shall be had, notice shall be published in a town newspaper at least ten (10) days prior to such public hearing. Such notice shall also state the place where substantive written comments on the DEIS may be sent and the date before which such comments shall be received. Said hearing shall commence no less than fifteen (15) days nor more than sixty (60) days after the filing of the DEIS, except as otherwise provided where the Advisory Committee determines that additional time is necessary for the public or other agency review of the DEIS or where a different hearing date is required as appropriate under other applicable law.

14. If, on the basis of the DEIS, comments received, and the record of the public hearing, if one is held, the Advisory Committee determines that an action will not have a significant effect on the environment, a negative declaration shall be filed pursuant to Section 617.10(b) of Title 6 of NYCRR and the proposed action may be processed without further regard to this ordinance.

15. If an action may have a significant effect on the environment, the Building and Plumbing Inspector shall prepare a final environmental impact statement (FEIS) adhering to the following format:

(a) all revisions to the DEIS are marked as such

(b) copies or a summary of all substantive comments received are appended.

(c) the source of each comment is noted (whether made in writing or at a public hearing)

(d) the Advisory Committee's response to each of the comments.

The FEIS shall be prepared within sixty (60) days after the filing of the DEIS or within forty-five (45) days after the close of the hearing, whichever last occurs, provided however, the Building and Plumbing Inspector may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.

Such FEIS shall be accompanied by a fee of Fifty Dollars (\$50.00) to defray expenses of the Town in evaluating same.

16. A Notice of Completion of a FEIS shall be prepared, filed and sent by the Building and Plumbing Inspector pursuant to Section 617.10(g) and (h) of Title 6 of NYCRR.

17. No decision to carry out or approve an action which has been the subject of a FEIS by the Advisory Committee or by any other agency shall be made until after the filing and consideration of the FEIS. The Lead Agency shall make a decision whether or not to approve the action not less than ten (10) days or more than thirty (30) days after the filing of the FEIS. It shall approve or disapprove the action based on criteria of Section 617.11 of Title 6 of NYCRR.

18. When the Town Board decides to carry out or approve an action which may have a significant effect on the environment it shall make the following findings in a written determination:

(a) consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements; and

(b) all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects; and

(c) a summary of the information in the EIS which supports this decision.

19. The Town shall files open for public input all Positive Declarative Declarations, Notice of Completion, Draft and Final Environmental Impact Statement, written determinations or caused to be prepared by the Lead Agency.

20. If any section, sentence, paragraph, or phrase of this ordinance is declared invalid for any reason whatsoever, such declaration shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect until the end of the provisions of this ordinance are hereby declared severable.

21. Upon adoption by the Town Board, this ordinance shall take effect ten (10) days after the date of its service as a person served personally, copy thereof, certified by the Clerk under the corporate seal of the Town, showing the date of passage and entry in the Town Record. This ordinance shall not be subject to any actions undertaken or prior to the dates specified in Article 8 of the Environmental Conservation Law for localities.

BE IT FURTHER RESOLVED that this ordinance shall be published in the Town of Cheektowaga, Erie County, New York, outside of the limits of the Village of Depew and the Village of Cheektowaga.

BE IT FURTHER RESOLVED that a copy of this resolution be published in the "ENVIRONMENTAL IMPACT REVIEW ORDINANCE" which identifies the critical environmental areas be entered in minutes, and published once in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga, having a general circulation in the Town.

BE IT FURTHER RESOLVED that the affidavit of such publication shall be filed with the Clerk.

Upon roll call —

Supervisor Meyers

Voting AYE

Councilman Swiatek

Voting AYE

Councilman Johnson

Voting AYE

Councilman Dux

Voting AYE

Councilman Kaczmarek

Voting AYE

Councilman Burst

Voting AYE

Councilman Wegner

Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK

COUNTY OF ERIE

I, RICHARD M. MOLESKI,

Town Clerk of the Town here-

ter described, DO HEREBY

TIFY as follows:

1. A regular meeting of

Town Board of the Town

Cheektowaga, a town located

in the County of Erie, State of

New York, was duly held on August

1979, and minutes of said meeting

have been duly recorded in the

Minute Book by me in accordance

with law for the purpose of recording

the minutes of meeting of said

Board, and such minutes do not

appear at item No. 9, inclusive,

of said book.

2. I have compared the attached

extract with said minutes and

recorded and said extract is a

copy of said minutes and of the

whole thereof insofar as the

minutes relate to matters referred

to in said extract.

3. Said minutes correctly reflect

the time when said meeting was

convened, the place where the

meeting was held and the names

of members of said Board who

attended said meeting.

IN WITNESS WHEREOF, I have

hereunto set my hand and the

corporate seal of said Town, this

27th day of August, 1979.

(SEAL)

RICHARD M. MOLESKI

Town Clerk

Aug. 30

at meeting of the
of the Town of
Erie County, New
Town Hall, corner
and Union Roads, in
on the 27th day of
at 1:00 o'clock p.m.
Light Saving Time

enneth J. Meyers
Frank E. Swiatek
Thomas M. Johnson,

Frank J. Dux
George Kaczmarek
James R. Burst
Donald J. Wegner

Councilman Wegner,
Councilman Johnson
this Town Board,
meeting held on the
August, 1979, duly
resolution calling for a
to be held at the
Town Hall, corner
and Union Road,
New York, on the
August, 1979 at 7:00
Eastern Daylight
to reconsider the
of adopting and
"ENVIRONMENTAL
IMPACT REVIEW ORDINANCE"
in addition, to
adoption of the critical
areas as identified
Ordinance, and
notice of said pub-
duly published as
law, not less than ten
to the date of the

pursuant to said
public hearing on
"ENVIRONMENTAL IM-
PACT REVIEW ORDINANCE"
critical environ-
was duly held by
at the Cheektowaga
Hall in the Town of
New York, on the
August, 1979 at 7:00
Eastern Daylight
and at which hear-
interested in the
had an opportunity
ad, at the conclusion
Town Board took the
advisement and has
ed that it is in the
to adopt the critical
areas as such and
enact an "ENVIR-
IMPACT REVIEW
"

HEREFORE, BE IT
that an "ENVIR-
IMPACT REVIEW
" identifying criti-
cal areas be, and
by is, adopted and
ing as follows:
"ENVIRONMENTAL IMPACT
ORDINANCE"
TOWN OF
CHEEKTOWAGA,
NEW YORK.

Ordinance shall be
may be cited as the
"ENVIRONMENTAL IMPACT
ORDINANCE OF THE
CHEEKTOWAGA,
NEW YORK."

Ordinance is adopted
Article 8 of the New
York Environmental Con-
servation Law in order to provide
for actions to deter-
mine whether such ac-
tions may have a
significant effect on air, water,
or land in the
Town of Cheektowaga,
New York.

shall mean the
Town of Cheektowaga,
New York.

shall mean the
Code of Rules and
Regulations of the
Town of Cheektowaga,
New York.
to carry out or
other than an
action under Section 5(b) hereof
of Title 6 of the
NYCRR shall
Town Board or by
board, commis-
employee of the
ere has been full
with all the require-
Ordinance and Part
of NYCRR, provided
nothing herein
prohibiting:
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raneous, engineer-

ing, economic feasibility or other
studies and preliminary planning
and budgetary processes neces-
sary to the formulation of a
proposal for action which do not
commit the Town to approve,
commence or engage in such
action, or

(b) the granting of any part of
an application which relates only
to technical specifications and
requirements, provided that no
such partial approval shall entitle
or permit the applicant to com-
mence the action until all require-
ments of this ordinance and Part
617 of Title 6 of NYCRR has been
fulfilled.

5. (a) The following action, in
place of Section 5(iii), and in
addition to those listed in Section
617.12 of Title 6 of NYCRR and the
criteria therein, as Type I actions,
is likely to have a significant
effect on the environment:

(1) Construction of new residen-
tial units which meet or exceed the
following threshold: in a city,
town, or village having a popula-
tion of less than 150,000: 100 units
connected to community or
publicly-owned utilities.

(2) The following areas, follow-
ing written public notice and
public hearings, shall be designat-
ed as critical environmental areas
and such designation shall be
filed with the Commissioner of the
Department of Environmental
Conservation pursuant to Section
617.4(j) of Title 6 of NYCRR.

(i) that land commonly known
as the Reinsteine Preserve; a 190
acre nature sanctuary, bounded
generally by Como Park Boul-
vard, Losson Road, and Hitchcock
Drive.

(ii) freshwater wetlands, locat-
ed within the town, including, but
not limited to those areas designat-
ed by the Department of
Environmental Conservation; in
addition to those lands and sub-
merged lands commonly called
marshes, swamps, sloughs, bogs
and flats supporting aquatic or
semi-aquatic vegetation.

(b) The following actions, in
addition to those listed in Section
617.13 of Title 6 of NYCRR and the
criteria therein, as Type II ac-
tions, are deemed not to have a
significant effect on the environ-
ment:

(1) extension or addition of a
commercial building with a thresh-
old of 3,000 square feet.

(2) modification of an existing
single family dwelling to a double
dwelling.

(3) extension of utility distribu-
tion facilities serving new or
altered single or two-family struc-
tures or rendering service in an
approved subdivision.

(4) construction of new single-
family or double-family homes,
unless part of subdivision.

(5) repair, rehabilitation and
maintenance of buildings and
facilities.

6. For the purpose of assisting
in the determination of whether
an action may or will not have a
significant effect on the environ-
ment, applicants for permits,
licenses, rezonings, special per-
mits, or other actions listed as
Type I actions in Section 617.12 of
Title 6 of NYCRR and Section 5(a)
herein, shall file a written state-
ment hereinafter referred to as the
Environmental Assessment Form
(EAF) with the Intake Officer,
setting forth the name of the
applicant; the location of the real
property affected, if any; a site
description and description of the
nature of the project. In addition,
applicants may include a detailed
statement of the reasons why in
their view, a proposed action may
or will not have a significant
effect on the environment. Such
statement shall be filed with the
application and shall contain
such additional, relevant, and
explanatory information as the
Intake Officer shall require to-
gether with drawings, sketches,
and maps, if any.

If the application involves a
Town project not exempt under
Section 5(b) herein or Section
617.13 of Title 6 of NYCRR as a
Type II action, the department
proposing the action shall prepare
the EAF.

If the action is one which is
unlisted, an EAF is not necessary,
but a short EAF may be complet-
ed. Whether or not an EAF is
prepared, a written record of the
information upon which determi-
nation of significance is based
shall be maintained.

Upon initial screening of the
proposed action by the Intake
Officer, the applicant has seven

(7) days to complete the appropri-
ate form and statement. If the
Intake Officer, upon initial screen-
ing, determines the proposed ac-
tion to be Type II or exempt as
listed in Sections 617.13 or 617.2 of
Title 6 of NYCRR or Section 5(b)
herein, no review is necessary.

7. The Building and Plumbing
Inspector shall be designated the
Intake Officer.

8. If no other agencies are in-
volved, the Town Board of the
Town of Cheektowaga shall be
designated as the lead agency. If
other agencies are involved, the
completed EAF and application
shall be mailed to them, and a lead
agency designated by mutual
agreement within thirty (30) days
of the EAF being mailed. The
criteria of Section 617.6(d) (1) of
Title 6 of NYCRR shall be fol-
lowed in designating the lead
agency.

If the action is unlisted, and
other agencies are involved, Sec-
tion 617.7 of Title 6 of NYCRR
shall be followed.

Upon receipt of a completed
application, the Building and
Plumbing Inspector shall cause a
notice of the EAF and project
information to be published in a
newspaper of the Town, describ-
ing the nature of the proposed
project and stating that written
views thereon of any person shall
be received by the Advisory Com-
mittee no later than a date speci-
fied in such notice.

The Advisory Committee may
within thirty (30) days hold infor-
mal meetings with the applicant
and may meet with and consult
any other person for the purpose
of aiding it in making a determi-
nation on the application.

9. The Advisory Committee
shall be composed of: (1) Town
Health Officer, (2) Town Engi-
neer, (3) Town Superintendent of
Highways, (4) Town Planning
Board Chairman and (5) Traffic
Control Officer of Town of Cheek-
towaga Police Department.

10. Every EAF shall be accom-
panied by a fee of Fifty Dollars
(\$50.00) to defray expenses.

11. The Advisory Committee
shall render a determination of
significance or non-significance
based on criteria of Section 617.11
of Title 6 of NYCRR within forty-
five (45) days following receipt of a
completed application, provided
however, that such period may be
extended by mutual agreement of
the applicant and the Advisory
Committee. If the proposed action
is not an exempt action, not an
action listed in Section 5(b) herein
or 617.13 of Title 6 of NYCRR as a
Type II action and will not have a
significant effect on the environ-
ment, the Advisory Committee
shall prepare, file and circulate for
Type I actions only, a Negative
Declaration as provided in Sec-
tion 617.10(b) of Title 6 of NYCRR
and thereafter the proposed action
may be processed without further
regard to this local ordinance. If
the Advisory Committee deter-
mines that the proposed action
may have a significant effect on
the environment, the Advisory
Committee shall prepare, file and
circulate such determination as
provided in Section 617.10(c), Title
6 of NYCRR and thereafter the
proposed action shall be reviewed
and processed in accordance with
provisions of this local ordinance
and Part 617 of Title 6 of NYCRR.

12. Following a determination
that a proposed action may have a
significant effect on the environ-
ment, the Building and Plumbing
Inspector shall immediately notify
the applicant or agency of the
determination and shall request
that a draft environmental impact
statement (DEIS) be prepared;
focusing on the concerns ex-
pressed by other interested parties.

If the applicant or agency fails
to submit the DEIS in a reason-
able time, the Building and Plum-
bing Inspector shall notify the
applicant or agency that the
processing of the application shall
cease and that no approval will be
issued.

Said DEIS shall be submitted
with a fee of Fifty Dollars (\$50.00).

13. (a) Upon completion of a
DEIS, a Notice of Completion
shall be prepared by the Building
and Plumbing Inspector. It shall
contain at least the following
information:

(1) a brief and precise descrip-
tion of the action covered by the
statement; the location and na-
ture of its potential environmental
impacts and effects.

(2) where and how copies of the
DEIS can be obtained.

(3) a statement that public com-
ment is requested and will be
accepted for thirty (30) days from
filing of the Notice of Completion
or ten (10) days following the close
of a hearing if one is held.

(b) A copy of the Notice of
Completion and/or a copy of the
DEIS shall be filed with those
listed in Section 617.10(d) and (e)
of Title 6 of NYCRR.

(c) If the Advisory Committee
determines that a public hearing
shall be had, notice shall be
published in a town newspaper at
least ten (10) days prior to such
public hearing. Such notice shall
also state the place where sub-
stantive written comments on the
DEIS may be sent and the date
before which such comments shall
be received. Said hearing shall
commence no less than fifteen (15)
days nor more than sixty (60) days
after the filing of the DEIS, except
as otherwise provided where the
Advisory Committee determines
that additional time is necessary
for the public or other agency
review of the DEIS or where a
different hearing date is required
as appropriate under other appli-
cable law.

14. If, on the basis of the DEIS,
comments received, and the re-
cord of the public hearing, if one is
held, the Advisory Committee
determines that an action will not
have a significant effect on the
environment, a negative declara-
tion shall be filed pursuant to
Section 617.10(b) of Title 6 of
NYCRR and the proposed action
may be processed without further
regard to this ordinance.

15. If an action may have a
significant effect on the environ-
ment, the Building and Plumbing
Inspector shall prepare a final
environmental impact statement
(FEIS) adhering to the following
format:

(a) all revisions to the DEIS are
marked as such

(b) copies or a summary of all
substantive comments received
are appended.

(c) the source of each comment
is noted (whether made in writing
or at a public hearing)

(d) the Advisory Committee's
response to each of the comments.
The FEIS shall be prepared
within sixty (60) days after the
filing of the DEIS or within forty-
five (45) days after the close of the
hearing, whichever last occurs,
provided however, the Building
and Plumbing Inspector may
extend this time as necessary to
complete the statement adequat-
ly or where problems identified
with the proposed action require
material reconsideration or modi-
fication.

Such FEIS shall be accompan-
ied by a fee of Fifty Dollars
(\$50.00) to defray expenses of the
Town in evaluating same.

16. A Notice of Completion of a
FEIS shall be prepared, filed and
sent by the Building and Plum-
bing Inspector pursuant to Section
617.10(g) and (h) of Title 6 of
NYCRR.

17. No decision to carry out or
approve an action which has been
the subject of a FEIS by the
Advisory Committee or by any
other agency shall be made until
after the filing and consideration
of the FEIS. The Lead Agency
shall make a decision whether or
not to approve the action not less
than ten (10) days or more than
thirty (30) days after the filing of
the FEIS. It shall approve or dis-
approve the action based on
criteria of Section 617.11 of Title 6
of NYCRR.

18. When the Town Board de-
cides to carry out or approve an
action which may have a signifi-
cant effect on the environment it
shall make the following findings
in a written determination:

(a) consistent with social, eco-
nomic and other essential consid-
erations of state policy, to the
maximum extent practicable,
from among the reasonable alter-
natives thereto, the action to be
carried out or approved is one
which minimizes or avoids ad-
verse environmental effects, in-
cluding the effects disclosed in the
relevant environmental impact
statements; and

(b) all practicable means will be
taken in carrying out or approv-
ing the action to minimize or
avoid adverse environmental ef-
fects; and

(c) a summary of the informa-
tion in the EIS which supports
this decision.

19. The Town shall maintain
files open for public inspection of
all Positive Declarations, Negat-
ive Declarations, Notices of Com-
pletion, Draft and Final Environ-
mental Impact Statements and
written determinations prepared
or caused to be prepared by the
Lead Agency.

20. If any section, subsection,
paragraph, sentence, clause or
phrase of this ordinance should be
declared invalid for any reason
whatsoever, such decision shall
not affect the remaining portions
of this ordinance, which shall
remain in full force and effect; to
this end the provisions of this
ordinance are hereby declared to
be severable.

21. Upon adoption by the Town
Board, this ordinance shall take
effect ten (10) days after its pub-
lication as required by the laws of
the State of New York, except this
ordinance 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, showing the date of its
passage and entry in the minutes.
This ordinance shall not apply to
actions undertaken or approved
prior to the dates specified in
Article 8 of the Environmental
Conservation Law for local agen-
cies.

BE IT FURTHER RESOLVED
that this ordinance shall apply
within the Town of Cheektowaga
outside of the limits of the Village
of Depew and the Village of Sloan,
and

BE IT FURTHER RESOLVED,
that a copy of this resolution, and
the "ENVIRONMENTAL IM-
PACT REVIEW ORDINANCE"
which identifies the critical environ-
mental areas be entered in the
minutes, and published at least
once in the CHEEKTOWAGA
BEE, a newspaper published in
the Town of Cheektowaga and
having a general circulation there-
in; and

BE IT FURTHER RESOLVED,
that the affidavit of such publica-
tion shall be filed with the Town
Clerk.

Upon roll call —
Supervisor Meyers
Voting AYE
Councilman Swiatek
Voting AYE
Councilman Johnson
Voting AYE
Councilman Dux
Voting AYE
Councilman Kaczmarek
Voting AYE
Councilman Burst
Voting AYE
Councilman Wegner
Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI,
Town Clerk of the Town hereinaf-
ter described, DO HEREBY CER-
TIFY as follows:

1. A regular meeting of the
Town Board of the Town of
Cheektowaga, a town located in
the County of Erie, State of New
York, was duly held on August 27
1979, and minutes of said meeting
have been duly recorded in the
Minute Book by me in accordance
with law for the purpose of record-
ing the minutes of meetings of
said Board, and such minutes
appear at item No. 9, inclusive, of
said book.

2. I have compared the attached
extract with said minutes so
recorded and said extract is a true
copy of said minutes and of the
whole thereof insofar as said
minutes relate to matters referred
to in said extract.

3. Said minutes correctly state
the time when said meeting was
convened, the place where such
meeting was held and the
members of said Board who at-
tended said meeting.

IN WITNESS WHEREOF, I
have hereunto set my hand and
have hereunto affixed the corpo-
rate seal of said Town, this 27th
day of August, 1979.

(SEAL)
RICHARD M. MOLESKI
Town Clerk
Aug. 30

Item No. 10 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, a claim for damages in the amount of \$635.00 was brought by the Town of Cheektowaga against Charles M. Solfrank, and

WHEREAS, said claim for damages has been paid in full, and

WHEREAS, a Release of All Claims form has been forwarded to the Town, which Release is to be executed by the Supervisor, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and is hereby authorized to execute said Release of All Claims on behalf of the Town.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 11 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the installation of pipe for the Autumnwood Part III Storm Drainage Project, which bids were duly received and opened at the Regular Town Board meeting of August 20, 1979, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in the letter from the Town Engineer to the Town Board dated August 23, 1979, and

WHEREAS, said report recommended that the bid be awarded to Joseph Ogiony Sons, Inc. for the bid price of \$20,172.00, said bid being the lowest meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the contract for the installation of storm sewers be and hereby is awarded to Joseph Ogiony Sons, Inc., 2909 Genesee Street, Cheektowaga, New York for their submission of the bid of \$20,172.00, said bid being the lowest meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED that the Supervisor of this Town Board sign the agreement with said contractor for these storm sewer systems.

* See next page for letter



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14124

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-688-8888

686-3449

August 22, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Storm Drainage
Autumnwood Part III

Gentlemen:

At the Regular Town Board Meeting of August 20, 1979, bids were received for the installation of Town furnished pipe for the Autumnwood Part III Storm Drainage Project. Six (6) lump sum bids were received as follows:

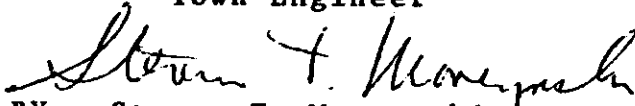
<u>BIDDER</u>	<u>BID</u>
Joseph Ogiony Sons Inc.	\$20,172.00
Marin Concrete Company, Inc.	23,475.00
S.H. Construction Corporation	24,996.00
Wagner Excavating	25,513.36
West Wind Construction Inc.	34,092.00
M.C. Morgan Contractors Inc.	35,900.00

All bidders have submitted bid bonds or checks for five percent (5%) of the bids and complied to all portions of the Bid Proposal. Attached for your consideration is a resolution recommending the award to Joseph Ogiony Sons Inc., 2909 Genesee Street, Cheektowaga, New York for submitting the lowest bid in the amount of \$20,172.00, said bid meeting all the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer


BY: Steven T. Marcynski
Sr. Engineer Assistant

CLB:STM:dmr

Item No. 11 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Swiatek, seconded by Councilman Kaczmarek

WHEREAS, bids were duly received by this Town Board at a meeting thereof held on August 20, 1979 for the purchase of football helmets for use by the Cheektowaga Recreation Department as a result of advertisement therefor, and such bids were referred to the Director of Recreation for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report has been completed,
NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to Laux Sporting Goods, 441 Broadway, Buffalo, New York for White Riddell H.A. 90% air football helmets with dark blue Riddell NOPO cage completely installed, size 6½ - 7, at a price of \$45.90 per helmet; said Laux Sporting Goods being the lowest responsible bidder meeting specifications.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED that Change Order No. 12 for the Northeast Interceptor Project (C-36-323) of the Town of Cheektowaga Sewer District No. 5 Pollution Abatement Program in the amount of \$492.54, as a subtraction of the Amadori Construction Company, Inc., Contract No. 1, be approved. This deduction is defined in a letter from the Town Engineer dated August 23, 1979 and considered part of this resolution, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized to sign said Change Order on behalf of the Town of Cheektowaga Sewer District No. 5.

* See next page for letter



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-688-8888

686-3448

August 23, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Northeast Interceptor
Change Order No. 12

Gentlemen:

The attached resolution is submitted for your approval of one (1) Change Order on the Northeast Interceptor Project of the Sewer District No. 5 Water Pollution Control Program.

Change Order No. 12 - Deduct \$492.54

The contractor submitted this Change Order as a reimbursement for labor not required to complete installation of five (5) manholes. All five (5) manholes are situated within the steel sheetpiled areas or within a previously sheeted bore pit area and hence, did not require the wood shoring inclusive of the original cost breakdown of Change Order #3.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

BY: Steven T. Marcynski
Sr. Engineer Assistant

CLB:STM:dmr

Item No. 13 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Dux, seconded by Councilman Wegner

RESOLVED that the following persons be and hereby are hired as Seasonal (Part-time Clerical) employees to assist RONALD R. NORMAN, Receiver of Taxes and Assessments, in the 1979 Tax Collection and that their pay be fixed at the sum of twenty-two (\$22.00) dollars per day:

THERESA HERKEY

Cheektowaga, New York 14227

CECELIA RUDZINSKI

Cheektowaga, New York 14225

and BE IT FURTHER

RESOLVED that said salary shall be subject to further adjustments at a later date, taking into consideration current ongoing negotiations with the Town's four bargaining units, and BE IT FURTHER

RESOLVED that the following employee be transferred from Park Attendant to Laborer in the Facilities Department at the rate of \$2.90 per hour:

MICHAEL SLIWINSKI

Cheektowaga, New York 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 15 Hiring of seasonal laborer in Sanitation Department
This item was withdrawn.

II. DEPARTMENTAL COMMUNICATIONS

Item No. 16 Building Permits
Received and Filed.

III. SUSPENSION OF RULES

Motion by Councilman Johnson, seconded by Councilman Kaczmarek to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 17 Retain law firm in Pending Assessment review proceedings

Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that Joseph G. Sacco, Esq., Attorney at Law, with offices located at 22 Victoria Boulevard, Kenmore, New York 14214, be and is hereby retained to represent the Town of Cheektowaga in the pending assessment review proceedings brought by the following petitioner:

AMERICAN TELEPHONE & TELEGRAPH COMPANY

and BE IT FURTHER

RESOLVED that his reasonable fees and expenses be paid by the Town,
and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to Joseph G. Sacco, Esq., together with a copy of the Notice of Application in said matter.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 18 Authorization for Senior Citizen coordinator to apply to E.C. Office for the aging for additional nutrition site at Infant of Prague Church

Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the Town of Cheektowaga is currently operating three (3) nutrition sites for the elderly, and

WHEREAS, the Town recognizes the value of the Nutrition Program in providing hot, nutritious meals for the elderly citizens, NOW, THEREFORE, BE IT

RESOLVED that Patricia Wojcik, Senior Citizen Coordinator be and hereby is authorized to apply to the Erie County Office for the Aging on behalf of the Town of Cheektowaga, for an additional Nutrition Site for the Elderly within the Town of Cheektowaga at Infant of Prague Church.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen, Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Dux, seconded by Councilman Kaczmarek to adjourn the meeting.

RICHARD M. MOLESKI
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, corner of Broadway and Union Road, in said Town on the 4th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Sal LaGreca, Assistant Manpower Program Director I; Ron Marten, Building and Plumbing Inspector; Chester Bryan, Town Engineer; Dr. Louis Vendetti, Town Health Officer; Julia Reinstein, Town Historian; Chief of Police, T. DeFedericis; Ron Zoeller, Working Foreman in the Sanitation Department; Alfred Wnek, Highway Superintendent; Mary Holtz, 1st Deputy Town Clerk; Kenneth Kopacz, Executive Director of the Youth Bureau.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE South side: from the west curb line of NANTUCKET DRIVE
W. to east curb line of UNION ROAD

Section 102 is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE North side: from the west curb line of NANTUCKET DRIVE
W. to east curb line of UNION ROAD

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Traffic Violations Bureau of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendments being as follows:

* See next two (2) pages for amendments

TRAFFIC VIOLATIONS BUREAU

AMENDMENTS

1. RESOLVED that Section 1 of the Traffic Violations Bureau which reads:

"Pursuant to Article 14B - Sections 370, 371, 372, and 373 of the General Municipal Law, the Town Board of the Town of Cheektowaga hereby authorizes the Justice Court of the Town of Cheektowaga to establish a Traffic Violations Bureau to aid said Court in the disposition of traffic offenses when such offenses shall not constitute a traffic infraction known as speeding or a misdemeanor or felony and standing violations."

shall be amended by the repeal of the words "and standing violation

2. RESOLVED that Section 3 of the Traffic Violations Bureau which reads, in part:

"Said Traffic Violations Bureau so established is authorized to dispose of traffic violations of traffic laws, ordinances, rules and regulations of the State or Local Laws . . ."

shall be amended by the repeal of the words "of the State or Local Laws."

3. RESOLVED that Section 4 of the Traffic Violations Bureau which reads:

"Section 4 - Procedure

Whenever any motor vehicle owner, operator, chauffeur or driver shall be found by a Police Officer in violation of any traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony said police officer may affix a tag to said vehicle or serve a summons on said owner, operator, chauffeur or driver, which tag or summons shall contain a notice of the particular violation, directed to the said owner, operator, chauffeur or driver and require such person within twenty-four (24) hours to take said tag or summons to the Traffic Violations Bureau of the Town of Cheektowaga and give the name and address of the owner, operator, chauffeur or driver, who had charge of said vehicle at the time of the violation as stated in said notice and pay a prescribed sum to the person or persons in charge of the Traffic Violation Bureau of the Town of Cheektowaga; or on a form hereinafter prescribed, give the name and address of the owner, operator, chauffeur or driver who had charge of said vehicle at the time of the violation as stated in the said notice with a remittance payable to the Traffic Violations Bureau of the Town of Cheektowaga, for the prescribed sum which may be mailed to the Traffic Violations Bureau of the Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York.

If such person does not appear, send or mail the tag or summons and pay the prescribed sum within twenty-four (24) hours, a summons shall be issued for his appearance in the Justice Court of the Town of Cheektowaga to answer the charge.

Acceptance of the prescribed sum by the Traffic Violations Bureau of the Town of Cheektowaga shall be the offense, and the violator shall be given a receipt which so stated."

shall be repealed in its entirety and a new Section 4 be enacted to read as follows:

"Section 4 - Uniform Parking Complaint.

The Town Justices of the Town of Cheektowaga shall be authorized to prescribe the form of complaint in all cases involving a violation of any traffic law, ordinance, rule or regulation relating to parking, which complaint shall be known as 'Parking Violations Ticket.'"

4. RESOLVED that Section 6 of the Traffic Violation Bureau which

reads:

"The Justice Court shall designate the fines to be paid for offenses which may be satisfied by the bureau as hereinbefore stated, provided such fines are within the limit established for such offenses."

shall be amended by repeal of the words "by the bureau," and the substitution therefor of the words "at the Bureau."

5. RESOLVED that the first sentence of Section 7 of the Traffic Violations Bureau which reads:

"The Traffic Violations Bureau as herein authorized shall maintain a record of all fines collected and the disposition thereof."

shall be repealed in its entirety and a new first sentence be enacted to read as follows:

"The Traffic Violations Bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also maintain a record of all fines collected and the disposition thereof."

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,

NEW YORK.

Dated: August 20, 1979

RICHARD M. MOLESKI

Item No. 3 cont'd

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 4 This being the time and place advertised for a public hearing to consider the advisability of repealing the "Plumbing and Drainage Ordinance and the Building Code" of the Town of Cheektowaga, enacted December 21, 1942. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 5 This being the time and place advertised for a public hearing to consider the advisability of adopting Local Law #1 for Administration and Enforcement of State Building Construction Code for the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed Local Law #1 being as follows:

* See next twelve (12) pages

LAW FOR ADMINISTRATION AND ENFORCEMENT OF
STATE BUILDING CONSTRUCTION CODE

13-1 Title; Legislative Intent

This local law shall be known as the "LAW FOR ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CONSTRUCTION CODE"; and together with the State Building Code will be hereinafter referred to as this Code.

It is the intent of this local law to provide for the administration and enforcement of the provisions of all laws, codes, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures, and appurtenances located within the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

13-2 Applicable Standards

The New York State Building Construction Code is recognized as the official code for the purpose of prescribing regulations governing construction within the limits of the Town of Cheektowaga.

13-3 Administration and Enforcement

The provisions of this Code shall be administered and enforced by the Building Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this Code and by Section 138 of the Town Law of the State of New York.

13-4 Restrictions On Employees

The Building Inspector or any officer or employee of the Building Inspection Department shall not engage in any activity inconsistent with his duties, or with the interests of the Building Inspection Department; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of the construction, alteration, demolition, or maintenance of a building, or the preparation of plans, or specifications thereof, within the Town of Cheektowaga, excepting that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or a structure owned by him for his own personal use and occupancy, or for the use and occupancy of members of his immediate family, and not constructed for sale.

13-5 Duties and Powers of Building Inspector

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances, and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, including plumbing and drainage work therein, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.
- B. He shall have the power to adopt rules, with the consent of the Town Board, to secure the intent and purposes of this Code and a proper enforcement of the laws, ordinances and regulations governing building construction, alteration or repair, and plumbing and drainage work in or adjacent to any building or structure.

- C. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits for the erection, alteration, removal, repair, and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued, for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.
- D. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications to install any new plumbing or drainage work in or adjacent to a building or structure, or to extend or alter any existing plumbing or drainage work, whether such work is to be connected with a sewer or not.
- E. He shall, on complaint or other information, examine existing and completed buildings and structures, as well as buildings and structures under construction, and shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards, during the construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances and regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from other employees of the Building Inspection Department or from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.
- F. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative laboratories and/or service bureaus or agencies.
- G. He shall adopt such administrative rules and regulations as may be necessary or desirable for the enforcement and application of this Code, and all persons making application to the Building Inspection Department or subject to this Code shall comply with such rules and regulations, copies of which shall remain on file in the office of the Building Inspector at all times.
- H. He shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the State Building Construction Code which such certificate shall certify that the building conforms to the requirements of the State Building Construction Code.

13-6 Department Records and Reports

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records.
- B. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

13-7 Prohibitions; Penalties

In accordance with Article 18 of the Executive Law of the State of New York:

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any of the provisions of this code or to fail in any manner to comply with any notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit, Plumbing Permit or Certificate of Occupancy.
- B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this code or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by thirty (30) days in jail, or both. Each day that each violation continues shall be deemed a separate offense.
- C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

13-8 Abatement of Violation

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

13-9 Permit Requirement; Commencement and Performance of Work; Stop Work Orders; Revocation of Permits

A. Application for Building Permit; Plumbing Permit

- (1) No person, firm or corporation shall commence erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or installation therein of any building or structure or change in nature the occupancy of any building or structure without first obtaining an appropriate permit from the Building Inspector, except that no permit shall be required for the performance of repairs which are not structural in nature and do not entail plumbing, electrical, heating or venting.
- (2) Application for a permit shall be made to the Building Inspector on forms available in the office of the Building Inspector. Applicants shall provide information and documents as may be required in the discretion of the Building Inspector or required in accordance with his established policy and procedure or rules and regulations and as otherwise required by this code or other applicable codes and ordinances, rules or regulations of the Town.
- (3) Application for a permit shall be made by the owner or lessee or the agent of either or by the architect, engineer or builder employed in connection with the proposed work.
- (4) Each application for a building permit shall be accompanied by plans and specifications bearing the signature of the person responsible

for the design and drawings and, where required by Section 7302, as amended, of article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

- (5) In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained by a plumber licensed by the Town of Cheektowaga.
- (6) Amendments to the application or to the plans and specifications may be filed at any time prior to completion of the work. Such amendments shall likewise be subject to the approval of the Building Inspector.

B. Issuance or Denial of Building Permits

- (1) The Building Inspector shall review or cause to be reviewed all applications for permits together with the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.
- (2) Upon approval of the application and upon the receipt of any and all required fees therefor, the Building Inspector shall issue a permit to the applicant upon the form prescribed by the Building Inspector and shall affix his signature or cause his signature to be affixed thereto.
- (3) Fees collected shall be as specified on the Building Permit Fee Schedule or on the Plumbing Permit Fee Schedule, as approved by Town Board resolution.

C. Performance of Work Under Building Permit or Plumbing Permit; Conditions of Permit

- (1) A building permit shall be considered authorization to commence work, for a period of six (6) months after the date of its issuance, in accordance with the application, plans and specifications as approved by the Building Inspector. Except for Building or Plumbing Permits issued for demolition purposes, work shall commence within ninety (90) days of the date of issuance. For permits issued for demolition purposes, work shall commence within fifteen (15) days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date, except that the Building Inspector may postpone such expiration date not more than six (6) months at his discretion.
- (2) It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.
- (3) The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.
- (4) Permits, plans and surveys approved by the Building Inspector shall be available on the job site at all times during the progress of construction. Permits issued by the Building Inspector shall be

displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

- (5) Notice in writing shall be given to the Building Inspector at least twenty-four (24) hours before the commencement of any work requiring a permit.
- (6) Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the Building Inspector shall be notified, in writing, and permission shall be secured before installing insulation, lath, plaster, plaster-board or any other covering thereon.

D. Stop Work Orders

Whenever the Building Inspector has reasonable grounds to believe that work on or in any building or structure is being prosecuted in violation of the provisions of the applicable building or plumbing laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

E. Revocation of Permits

The Building Inspector shall have authority to revoke permits theretofore issued in the following instances:

- (1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specification on which the building permit was based;
- (2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law;
- (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or
- (4) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

13-10 Right of Entry

The Building Inspector and each of those personnel designated by him upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

13-11 Supervision of Construction

- A. No building which is to have a total floor area in excess of ten thousand (10,000) square feet shall be constructed except under the supervision of a professional engineer or architect licensed or registered in the State of New York

- B. No permit will be issued for the construction of a building which is to have a total floor area in excess of ten thousand (10,000) square feet until an affidavit is filed with the Building Inspector certifying that the construction of such building will be supervised by a professional engineer or architect licensed or registered in the State of New York. The affidavit shall be signed and sworn to by the engineer or architect who will supervise the construction of such building, and shall have his professional seal affixed. In the event such engineer or architect shall, for any reason, discontinue his supervision of the building at any time prior to the completion, he shall immediately notify the Building Inspector of such fact and thereupon the building permit issued for such construction shall be suspended and no further work shall be done thereunder until another such affidavit shall be filed with the Building Inspector certifying that supervision of the construction has been resumed by another or the same engineer or architect.
- C. No Certificate of Occupancy will be issued for a building having a total floor area in excess of ten thousand (10,000) square feet until a final certificate is filed with the Building Inspector by the engineer or architect who supervised the construction, that the building was in fact erected in conformity with the plans therefor filed with the Building Inspector.

13-12 Abandonment of Project

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all incompleated structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

13-13 Highway, Sanitary Sewer and Water Line Required

No building permit shall hereafter be issued for the construction of a building upon any property located within the boundaries of any existing sanitary sewer district or extension thereof, unless the highway adjoining the property upon which said structure is to be placed has the following improvements:

- A. A highway constructed and completed to comply with specifications of the Town Highway Superintendent, and other regulations of the Town of Cheektowaga, New York.
- B. A lateral sanitary sewer in the highway, connected with the sanitary sewer system of the sanitary sewer district in which the property is located to comply with the rules and regulations of New York State and/or the Erie County Health Departments.
- C. A water line in the highway or on private property constructed to conform with the rules and regulations of the Erie County Water Authority or satisfactory proof that a contract has been entered into with the Erie County Water Authority for such construction.

In the event that all of the aforementioned utilities are not installed at the time the application for a Building Permit is made, the Town Board may issue a permit provided the applicant for a permit furnishes the Town of Cheektowaga with a Surety Bond in an amount fixed by the Town Board, conditioned that the highway and the sanitary sewer serving such structure will be constructed within six (6) months after the issuance of the Building Permit, and that all other provisions of this Ordinance will be fully complied with.

13-14 Certificate of Occupancy; Requirements; Temporary Certificates of Occupancy

A. Certificate of Occupancy; Requirements

- (1) No building hereafter erected, enlarged, extended or altered shall be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Inspector. This provision shall not apply to enlargements or extensions of single family dwellings where the original floor area is not increased by more than twenty-five (25) percent.
- (2) No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued by the Building Inspector.
- (3) An application for a Certificate of Occupancy shall be made by the owner or his agent on forms provided by the Building Inspection Department. Accompanying this application and before the issuance of a Certificate of Occupancy, there shall be filed with the Building Inspector a survey of the land and structures under the seal and signature of a land surveyor authorized to practice in the State of New York and any other documents that may be required by the Building Inspector.
- (4) Before issuing a Certificate of Occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a Building Permit to construct, enlarge, alter, repair, or change the use or nature of occupancy and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a Building Permit or Plumbing Permit has been issued. There shall be maintained, in the Building Inspection Department, a record of all such examinations and inspections together with a record of findings of violations of the law.
- (5) When after final inspection it is found that the proposed work has been completed in accordance with the applicable Building Code, Ordinances, Rules and Regulations and also in accordance with the application, approved plans and specifications filed in connection with the issuance of a Building Permit or Plumbing Permit; the Building Inspector shall issue a Certificate of Occupancy upon the form provided by him.
- (6) If it is found that the proposed work has not been properly completed, the Building Inspector shall not issue a Certificate of Occupancy and shall order the work completed in conformity with the Building Permit or Plumbing Permit and in conformity with the applicable Building Code, Ordinances, Rules and Regulations and the approved plans.
- (7) The Building Inspector shall act to issue or deny an application for a Certificate of Occupancy within thirty (30) days after written application therefor is made if all work has been completed and final inspections can be made.
- (8) The Certificate of Occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable Building Law, Ordinance, Rules and Regulations and shall specify the use or uses and the extent thereof which the building or structure or its several parts may be put. Except as otherwise provided by law, a Certificate of Occupancy issued through error of fact or law shall not be valid.

B. Temporary Certificate of Occupancy

Upon request, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure or part thereof before the entire work covered by the Building Permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. The temporary Certificate of Occupancy shall remain in effect for the period of time stated in the condition, which period of time may be extended by the Building Inspector for good cause.

13-15 Board of Plumbing and Drainage Examiners

The Board of Plumbing and Drainage Examiners hereby established and hereafter called the "Board" shall consist of five (5) members, to wit: the Building Inspector, the Town Engineer and three (3) persons who have actively engaged in the plumbing business for at least ten (10) years next preceding their membership on such Board. The last three (3) members shall be appointed by the Supervisor by and with the consent of the other members of the Town Board and must be residents of the Town of Cheektowaga. The term of office of the last mentioned three (3) members shall be two years.

Each member of the Board, except the Town Engineer and the Town Building Inspector, shall receive, as compensation as such Board Member, such amount as a majority of said Board shall determine, but in no event shall such compensation for any one (1) member total more than two hundred fifty dollars (\$250.00) per year. The Town Engineer and the Town Building Inspector shall serve without compensation.

13-16 Regulations, Duties

The Board shall make rules and regulations for the conduct of its business as an Examining Board.

The Board shall have jurisdiction over and examine each applicant for a license to determine his qualifications for a Master Plumber's license under this code and to issue Certificates of Competency to all such persons who shall have satisfactorily passed the examination before such Board and shall be by it determined to be qualified for conducting the business of plumbing.

13-17 Master Plumber's License Required

No person shall engage in or conduct a business of maintaining, installing or altering, repairing or contracting to install, alter or repair any plumbing in the Town of Cheektowaga until such person shall apply for and obtain a Master Plumber's license to engage in such business as herein provided.

13-18 Application for Licenses

Any persons desiring to take the examination for a Master Plumber's Certificate of Competency must be an American citizen and a Journeyman Plumber for a minimum of eight thousand (8,000) hours as an employee of a licensed Master Plumber. He shall make a sworn application in writing, accompanied by a filing and examination fee of twenty-five dollars (\$25.00), not returnable, and by two (2) photographs of the applicant, approximately one and one-half by one and one-half ($1\frac{1}{2} \times 1\frac{1}{2}$) inches, taken within the past thirty (30) days, to the Building Inspector, who, if said application is in good order, shall refer it to the Board. The Board shall thereupon arrange and conduct an examination as to the competency and qualifications of such applicant within six (6) months of date of said application.

13-19 Issuing of Licenses

The Town Clerk shall issue a license authorizing said applicant to conduct such business in the Town of Cheektowaga upon receipt of a Certificate of Competency from the Board showing that such person, a member of such firm or the superintendent of construction of such corporation has satisfactorily passed an examination held by said Board. The Certificate of Competency must be dated within one (1) year of the date of the application.

Every applicant shall, prior to the issuance of a Master Plumber's License, or a renewal thereof file with the Town Clerk a bond in the sum of two thousand dollars (\$2,000.00) of an indemnity company, conditioned to indemnify and save harmless the Town of Cheektowaga of and from all damages and losses which may result from the work of said plumber, firm or corporation being done carelessly or imperfectly or in such a way that injury or loss results to persons or property thereby, or by reason of his failing to comply with all and singular, the rules and regulations as now or may hereafter be established by the Town Board or Superintendent of Highways, or with any ordinances of the Town in relation to making excavations in the public streets or on private driveways or property, or with any provisions of the ordinances of the Town of Cheektowaga. The applicant shall file with the Town Clerk Certificates of Insurance protecting the Town to the extent of the following limits: personal liability of fifty thousand/one hundred thousand dollars (\$50,000/\$100,000.) and property damage liability of ten thousand dollars (\$10,000.).

The fee for the license required by this Ordinance shall be fifty dollars (\$50.00) per year, or part thereof, each license expiring on December 31st, next after issuance. Once a license has expired, a plumber shall not be issued permits nor be allowed to continue plumbing work in the Town of Cheektowaga until his license has been renewed. A license may be renewed within twelve (12) months after the date of expiration. A lapse of renewal for a period of more than twelve (12) months shall be considered an abandonment of the business of plumbing within the Town of Cheektowaga and the Certificate of Competency shall become null and void.

13-20 Restrictions on Licenses

No licensed plumber shall allow the use of his or its name or license to any unlicensed person, firm or corporation for the purpose of defrauding the Town or otherwise.

Any person, firm or corporation, doing plumbing work in the Town of Cheektowaga shall exhibit his or its license, upon request, to any Peace Officer, Town Board member, Member of the Board or employee of the Building Inspection Department and shall, while opening any highway for purposes incidental to such work, and while such highway is so opened, exhibit in a conspicuous place adjacent to such opening a sign at least one foot square plainly marked showing the number of such license.

The dissolution of a firm or corporation shall operate as a cancellation of the license of such firm or corporation.

Licenses shall not be transferable.

A license may be suspended or revoked at any time by the Board, if in its judgment the best interests of the inhabitants of the Town shall be served thereby.

13-21 Supplemental Plumbing Regulations

A. Where a public sewer is accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid

waste from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited.

- B. Where the liquid wastes from any plumbing are not discharged into a public sewer, such wastes shall be so treated or disposed of as recommended by the Erie County Health Department and the State of New York Department of Environmental Conservation.
- C. Gutters and inside or outside leaders shall be installed on all roofs. On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.
- D. On new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by the Town of Cheektowaga. Any alternate method of water disposition must be approved by the Town Engineer.
- E. On new construction, all buildings having basements or cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.
- F. No Town drainage easement or natural waterway may be filled in or obstructed in any manner unless an alternative method of water disposition is approved by the Town Engineer.
- G. The main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. All fixtures installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.
- H. The sanitary sewer between any building and the sanitary street sewer must be of either cast-iron, transite, vitrified tile or other manufactured pipe as approved by the Board, except that only cast-iron pipe may be used within a five-foot radius of any building. Vitrified tile must be at least six (6) inches in diameter. Tile pipe for sewers must be of the best, sound, salt-glazed vitrified tile, free from cracks or breaks, with socket joints of uniform shape. No pipe shall have a thickness of less than one-twelfth of the internal diameter and it must be uniform in thickness. The joints for all tile sewers or drains to be approved slip seal or thoroughly caulked with dry unoiled hemp and not to exceed more than one-fourth of the annular space, the balance to be a heated and poured bituminous sewer joint compound, approved by the Board.
- I. Plumbing may be installed by a resident owner himself, within his own home, provided all plumbing complies with the requirements of this code and in such event the word "owner" shall be substituted for the word "plumber" throughout this code, with the exception that the license requirement will be waived.

13-22 Electrical Inspection

- A. All electrical installations, alterations and repair of wiring for electric light, heat and power shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this Ordinance or any other local law, ordinance or Building Code of the Town of Cheektowaga shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or Building Code shall be recognized as proper compliance with this Ordinance. The requirements of the National Electrical Code shall be those known as National Fire Association Pamphlet #70 as approved and adopted by the American Standards Association.
- B. The Chief Inspector and each of the duly appointed Inspectors of the New York Board of Fire Underwriters are hereby authorized and deputized as agents of the Town of Cheektowaga to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Cheektowaga.
- C. It shall be the duty of the Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all the provisions of this Code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, ordinances, and the Building Code as referred to in this Ordinance insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Cheektowaga upon the written request of an authorized official of the Town of Cheektowaga or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances, and equipment, in and on properties within the Town of Cheektowaga where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of Cheektowaga.

It shall be the duty of the Inspector to furnish written reports to the proper officials of the Town of Cheektowaga and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this Ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Town of Cheektowaga to the attention of the Building Inspector.

- D. It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or power in or on properties in the Town of Cheektowaga until an application for inspection has been filed with the New York Board of Fire Underwriters. It shall be a violation of this Ordinance for a person, firm or corporation to connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate or a Certificate of Compliance, by the New York Board of Fire Underwriters.
- E. The provisions of this Ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located out of doors or in buildings used exclusively for that purpose. This Ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials

and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

- F. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Cheektowaga or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this Ordinance.

13-23 Applicability of Other Laws

Nothing in this Code shall be construed to modify or to prevent the application and enforcement of the Zoning Ordinance, Sewer Use Ordinance, Fire Code, or any other law which prescribes more restrictive limitations.

13-24 No Legalization Due to Delinquency

No oversight or dereliction of duty on the part of the Building Inspector or on the part of any employee of the Building Inspection Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building or plumbing laws, ordinances or regulations, or that does not conform to the provisions of an application, plans or specifications on the basis of which a Building Permit or Plumbing Permit was issued, or that does not conform to the applicable provisions of the Zoning Ordinance.

13-25 Relief from Personal Responsibility

No official or employee of the Building Inspection Department shall, while acting pursuant to the provisions of this Ordinance be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

13-26 Severability

- A. If a court of competent jurisdiction finds any provision of this Code invalid in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this Code shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this Code to any building, other structure or tract of land to be invalid in whole or part, the effect of such decision shall be limited to the person, property or situation involved, and the application of any such provisions to any other person, property or situation shall not be affected.

13-27 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State's Office.

Item No. 5 cont'd

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 6 This being the time and place advertised for a public hearing to consider the application of Cheektowaga Cablevision, Inc., d/b/a International Cable for an amendment to its cable television franchise for the Town of Cheektowaga to provide for an increase in its monthly rate for basic cable service to \$8.00 effective December 1, 1979 and to \$8.50 effective December 1, 1980. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

II. RESOLUTIONS

Item No. 7 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that Joseph G. Sacco, Esq., Attorney at Law, with offices located at 22 Victoria Boulevard, Kenmore, New York 14214, be and is hereby retained to represent the Town of Cheektowaga in the pending Assessment Review Proceedings brought by the following petitioners:

David's Acres, Inc.
GTE Sylvania, Inc., Acct. No. Plot 2, Parcel 181-020
W.N.Y. Property Mgmt. Inc., Acct. No. 2-306-9
W.N.Y. Property Mgmt. Inc., Acct. No. 2-306-10
Marc Equity Corporation, Acct. No. 3-836-10
Marc Equity Corporation, Acct. No. 3-386-11
Marc Equity Corporation, Acct. No. 3-386-12
Marc Equity Partners I, Acct. No. 2-306-11
Marc Equity Partners I, Acct. No. 2-306-13
Marc Equity Partners I, Acct. No. 2-306-14
Mader Corporation Employees Pension and
Profit Sharing Trust, Acct. No. 2-306-15
Gibraltar Steel Corporation, Acct. No. 3-771
Gibraltar Steel Corporation, Acct. No. 3-772

and BE IT FURTHER

RESOLVED that his reasonable fees and expenses be paid by the Town,
and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to Joseph G. Sacco, Esq., together with copies of the Notices of Petitions in connection with the above captioned Assessment Review Proceedings.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, Mary Jane Straubinger has made application and requested the rezoning of property located at the southwest corner of Aero Drive being part of Lot #81, Township 11, Range 7 with frontage on both Rein Road and Aero Road, being approximately 4½ acres more or less, from M-1 - Light Manufacturing to M-2 General Manufacturing District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

Item No. 8 cont'd

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on September 17, 1979 at 6:30 o'clock P.M., Eastern Daylight Savings Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

George J. Measer

being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 6th day of Sept.,
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 6th day

of Sept., 1979

Susan Schasel
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

PROOF OF PUBLICATION



Publishers Of:

**Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee**

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

George J. Measer
I, the undersigned, being duly sworn, deposes and says that he is the publisher of the Cheektowaga News, a newspaper published at Williamsville, New York, that the copy of which the annexed printed slip taken from the newspaper, is a copy, was inserted and published once a week for 1 weeks, the first being on the 6th day of Sept., 1979, and the last insertion being on the same day of _____, 19_____.

BY ORDER OF THE TOWN BOARD
Supervisor
Councilman
Councilman
Councilman
Councilman
Councilman
Town Clerk

George J. Measer
I, the undersigned, being duly sworn, deposes and says that he is the publisher of the Cheektowaga News, a newspaper published at Williamsville, New York, that the copy of which the annexed printed slip taken from the newspaper, is a copy, was inserted and published once a week for 1 weeks, the first being on the 6th day of Sept., 1979, and the last insertion being on the same day of _____, 19_____.

ALL THAT TRACT OR PARCELS OF LAND situated in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot No. 51, Township 11, Range 2 of the Holland Land Company's Survey, bounded as follows: to the north by the line of the said Range 2, to the east by the line of the said Range 2, to the south by the line of the said Range 2, and to the west by the line of the said Range 2.

Subscribed and sworn to before me this 6th day
of Sept., 1979

George J. Measer

Susan Schasel *Susan Schasel*
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 9 Motion by Councilman Kaczmarek, seconded by Councilman Dux

BE IT RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of six (6) new Print-O-Matic Voting Machines on the unit price basis. Information for bidders and specifications may be obtained from the office of the Town Clerk located at the Town Hall, Broadway and Union Road, Cheektowaga, New York; said notice to be published in the EXAMINER, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 o'clock P.M., Eastern Daylight Saving Time on September 17, 1979 for the purpose of properly opening and reading the sealed bids.

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requests sealed bids for the furnishing of six (6) new Print-O-Matic Voting Machines on the unit price basis.

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

Copies of the specifications are available for all prospective bidders. Sealed bids must be received no later than 7:00 o'clock P.M., Eastern Daylight Saving Time on September 17, 1979 at which time they will be publicly opened by the Town Board at a public meeting held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York.

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the opening thereof.

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

RICHARD M. MOLESKI
Town Clerk

DATED: September 4, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 4 day of Sept., 1979, and ending on the _____ day of _____, 19____

(ER)
Signed James Charters
Sworn to before me, on the 7
day of Sept., 1979

Lillian A. Ansel
Notary Public

LILLIAN A. ANSEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 28, 1981

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requests sealed bids for the furnishing of six (6) new Print-O-Matic Voting Machines on the unit price basis.

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

Copies of the specifications are available for all prospective bidders. Sealed bids must be received no later than 7:00 o'clock P.M.

Eastern Daylight Saving Time on September 17, 1979, at which time they will be publicly opened by the Town Board at a public meeting held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York.

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the opening thereof.

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

RICHARD M. MOLESKI
Town Clerk

DATED: September 4, 1979

LETIAN A HALLU
Noted Public Sale of
Qualified in one County
My Commission Expires

Item No. 10 Notice to Bidders for Beach Road storm sewer system
This item was withdrawn.

Item No. 11 Motion by Councilman Kaczmarek, seconded by Councilman Burst

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of new tires and tubes for use in the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways, 3145 Union Road, Cheektowaga, New York; said Notice to be published in THE EXAMINER, and BE IT FURTHER

RESOLVED that the Town Board will meet at 1:00 P.M. on September 24, 1979 for the purpose of properly opening and reading the sealed bids.

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY given in compliance with Section 142 of the Highway Law as amended and Section 103 of the General Municipal Law, that Alfred F. Wnek, Superintendent of Highway of the Town of Cheektowaga, Erie County, New York as recommended the purchase of tires and tubes in excess of \$1000.00 as follows:

NEW TIRES AND TUBES - all tires to be nylon per specifications for heavy duty trucks, tractors and other equipment.

Specifications and bid forms may be obtained from the Town of Cheektowaga Highway Department, 3145 Union Road, S. Cheektowaga, New York during regular business hours. The Superintendent of Highways reserves the right to reject any or all bids. All bids to be furnished must be sealed in opaque envelopes and sent to the Town Hall, c/o Mr. Richard Moleski, Town Clerk, Broadway and Union Roads, S. Cheektowaga, New York and clearly marked:

"BIDS FOR TIRES AND TUBES FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT."

Non-collusion forms must be signed and submitted with bids. All bids to be publicly opened and read at the Town Board Meeting September 24th, 1979 at 1:00 P.M. Bidders may attend the public opening if they so desire.

RICHARD M. MOLESKI
Town Clerk

DATED: August 27th, 1979
PUBLISHED: Sept. 6th, 1979

Upon Roll Call.....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 6 day of Sept; 1917 and ending on the _____ day of _____, 19____

(CR)

Signed James Charters
Sworn to before me, on the 7
day of Sept, 1917

William A. Angel
Notary Public

WILLIAM A. ANGEL
Notary Public, State of New York
Qualified in said County
My Commission Expires March 22, 1918

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN in compliance with Section 142 of the Highway Law as amended and Section 103 of the General Municipal Law, that Alfred F. Wnek, Superintendent of Highway of the Town of Cheektowaga, Erie County, New York as recommended the purchase of tires and tubes in excess of \$1000.00 as follows:

NEW TIRES AND TUBES - all tires to be nylon per specifications for heavy duty trucks, tractors and other equipment.

Specifications and bid forms may be obtained from the Town of Cheektowaga Highway Department, 3145 Union Road, S. Cheektowaga, New York during regular business hours. The Superintendent of Highways reserves the right to reject any or all bids. All bids to be furnished must be sealed in opaque envelopes and sent to the Town Hall, c/o Mr. Richard Moleski, Town Clerk, Broadway and Union Roads, S. Cheektowaga, New York and clearly marked:

"BIDS FOR TIRES AND TUBES FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT."

Non-collusion forms must be signed and submitted with bids. All bids to be publicly opened and read at the Town Board Meeting September 24th, 1979 at 1:00 P.M. Bidders may attend the public opening if they so desire.

Richard M. Moleski, Town Clerk

**Dated: August 27th, 1979
Published: Sept. 6th, 1979**

WILLIAM A. MALIN
Public Works Dept
Cheektowaga, N.Y.
916-432-1111

Item No. 11 Motion by Councilman Kaczmarek, seconded by Councilman Burst

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of sodium chloride (rock salt), cinders and calcium for the maintenance of roads during the winter season together with a quantity of snow fence, posts and tie wires for use in the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways, 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA BEE and BE IT FURTHER

RESOLVED that the Town Board will meet at 1:00 p.m., on September 24th, 1979 for the purpose of properly opening and reading the sealed bids.

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY given in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga will receive proposals for the seasonal requirements for 1:00 P.M. on September 24th, 1979. All sealed bids received will be publicly opened and read. Each sealed bid to be plainly marked "SEALED BID FOR SEASONAL REQUIREMENTS FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT."

- CINDERS Washed, screened, graded 1/8" - 1/4" only. No clinkers or lumps acceptable. Delivery on 24 hour call.
- SODIUM CHLORIDE (Rock Salt) Price per ton in bulk at 3145 Union Road, Cheektowaga, New York. Delivery by truck FOB and price per ton at Retsof, New York.
- CALCIUM Per 100 lb. bag - delivered to 3145 Union Road, S. Cheektowaga, New York.
- SNOW FENCE Delivered to Cheektowaga Highway Department - 48" high in 50 foot rolls.
- 6 FOOT TEE POSTS To be used in erecting the 48" high fencing, to be delivered to the Cheektowaga Highway Department, 3145 Union Road, S. Cheektowaga, New York.
- TIE WIRES 11 inch / 14 guage to be used in conjunction with snow fence and posts.

The Superintendent of Highways reserves the right to reject any or all bids. All bids to be in accordance with the specifications and instructions to bidders, prepared by Alfred F. Wnek, Superintendent of Highways, for the Town of Cheektowaga, New York (3145 Union Road).

All bids to be publicly opened and read at the time and place as specified - at the Town Hall, Broadway and Union Roads, S. Cheektowaga, New York. Bidders may attend the public opening thereof, if they so desire.

RICHARD M. MOLESKI
Town Clerk

DATED: August 27th, 1979
PUBLISHED: September 6th, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET

STATE OF NEW YORK
COUNTY OF ERIE

..... George J. Measer
being duly sworn, deposes and says that he is the
..... Publisher of the
..... Cheektowaga News a
public newspaper published at
..... Williamsville, N. Y., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 6th day of Sept.
19 79, and the last insertion being on the same...
day of, 19.....

Subscribed and sworn to before me this 6th day

of Sept., 1979

Susan Schasel

Susan Schasel

Notary Public in and for Erie County

George J. Measer

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 13 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, the Town Board of the Town of Cheektowaga has determined upon recommendation of the Highway Superintendent and other department heads that the following town owned vehicles are no longer required for Town use and that such items are surplus to the needs of the Town of Cheektowaga, as set forth in the Notice of Sale attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Town of Cheektowaga shall place for sale, by opening of sealed bids, the aforesaid surplus items on Friday, September 21, 1979 at 12:00 o'clock noon Eastern Daylight Saving Time, at the Town Clerk's Office, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, to the highest bidder with the terms of sale to be as follows:

1. Payment in full by the successful bidders shall be made at the time of sale in cash or by certified check only.
2. Items sold shall be removed from place of sale no later than 72 hours after sale.
3. A minimum acceptable bid shall be posted by the Town of Cheektowaga on each item at the time of sale for each separate item.
4. Said items to be sold shall be available for inspection at the parking lot adjacent to the Town Garage at Union Road near Broadway near September 17 to September 20 between the hours of 9:00 o'clock a.m. to 4:00 o'clock p.m.

and BE IT FURTHER

RESOLVED that all sealed bids shall be submitted to the Town Clerk by 12:00 o'clock noon, September 21, 1979 and said bids shall be opened by the Town Clerk in the Town Clerk's Office, Cheektowaga Town Hall, on Friday, September 21, 1979 at 12:00 o'clock noon and a record kept thereof, and BE IT FURTHER

RESOLVED that the Town Clerk shall give notice of such sale by publishing a Notice in the CHEEKTOWAGA BEE on September 13, 1979 and by posting such Notice on the Town Bulletin Board on September 13, 1979.

* * * * *

TOWN OF CHEEKTOWAGA

PUBLIC SALE

PLEASE TAKE NOTICE, that a public sale shall be held under the supervision of the Town Clerk for the Town of Cheektowaga, to sell town-owned vehicles, by the opening of sealed bids at the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York at 12:00 o'clock noon, Eastern Daylight Saving Time on Friday, September 21, 1979.

The following items shall be offered for sale:

* See next page for list

CARS TO BE AUCTIONED

CHEVROLET

73	Bel Air	#1K69K3T244813	1
72	Bel Air	#1169H21226229	2
75	Bel Air	#1K45U51192358	3
75	Bel Air	#1K35U51194543	4
70	C/20 Pick Up	#CE240F168068	5
72	Bel Air	#1169521184521	6

DODGE

71	Polara	#DL46K1D215876	7
72	Polara	#DL45K2D265066	8
71	Polara	#DE41K1D215878	9
71	Polara	#DE41K1D215877	10

PLYMOUTH

77	Gran Fury	#PK41P7D172471	11
77	Gran Fury	#PK41P7D172472	12

INTERNATIONAL

72	Pick Up	#B13305H326713	13
77	Plymouth	#PK41P7D172473	14
77	Plymouth	#PK41P7D172477	15
75	Dodge Pick Up	#W24BF5S136900	16
68	Chev. Pick Up	CS348F165644	17
74	Chev. Pick Up	#CCY2441167398	18

Item No. 13 cont'd

Terms of sale shall be subject to the following conditions:

1. Payment in full by the successful bidders shall be made at the time of sale in cash or by certified check only.
2. Items shall be removed from place of sale no later than 72 hours after sale.
3. A minimum acceptable bid shall be posted by the Town of Cheektowaga on each item at the time of sale for each separate item.
4. Said items to be sold shall be available for inspection at the parking lot adjacent to the Town Garage at Union Road near Broadway from September 17th to September 20th, 1979 between the hours of 9:00 o'clock A.M. until 4:00 o'clock P.M.,

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
Town Clerk

DATED: September 4, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

Publishers Of:

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Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

DODGE
 71 Polara #DL46K1D218578 (7)
 72 Polara #DL45K2D285086 (8)
 73 Polara #DE41K1D218578 (9)
 74 Polara #DE41K1D218577 (10)

PLYMOUTH
 77 Gran Fury #PK41P7D172471 (11)
 77 Gran Fury #PK41P7D172473 (12)

INTERNATIONAL
 73 Pick Up #B13305H328713 (13)
 77 Plymouth #PK41P7D172473 (14)
 77 Plymouth #PK41P7D172477 (15)

75 Dodge Pick Up #W24BFGS136900 (16)
 88 Chev. Pick Up #C8948F165644 (17)
 74 Chev. Pick Up #CCY2441167398 (18)

Terms of sale shall be subject to the following conditions:
 1. Payment in full by the successful bidder shall be made at the time of sale in cash or by certified check only.
 2. Items sold shall be removed from place of sale no later than 72 hours after sale.
 3. A minimum acceptable bid shall be posted by the Town of Cheektowaga on each item at the time of sale for each separate item.
 4. Said items to be sold shall be available for inspection at the parking lot adjacent to the Town Garage at Union Road near Broadway from September 17th to September 20th, 1979 between the hours of 9:00 o'clock A.M. until 4:00 o'clock P.M.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
 Dated: September 4, 1979
 RICHARD M. MOLESKI
 Town Clerk

NOTICE TO BE AUCTIONEER
 The following items shall be offered for sale:
ITEMS TO BE AUCTIONEERED
 71 Bel Air #1K68K3T244813 (1)
 72 Bel Air #1L09H2122829 (2)
 73 Bel Air #1K45U51192358 (3)
 74 Bel Air #1K28U51194543 (4)
 75 C/20 Pick Up #C2348F168088 (5)
 72 Bel Air #1L89521184521 (6)

.....George J. Measer.....
 being duly sworn, deposes and says that he is the
Publisher..... of the
Cheektowaga News....., a
 public newspaper published at
Williamsville....., New York, that the
 notice of which the annexed printed slip taken from
 said newspaper, is a copy, was inserted and published
 therein once a week for2..... weeks, the first
 insertion being on the ..6th.. day of ..Sept.....,
 19..79., and the last insertion being on the ..13th..
 day ofSept., 19..79..

Subscribed and sworn to before me this 13th day
 of Sept., 19 79

George J. Measer

Susan Schasel *Susan Schasel*
 Notary Public in and for Erie County

SUSAN SCHASEL
 Notary Public, State of New York
 qualified in Erie County
 My Commission Expires March 30, 1980

Item No. 14 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, Section 14-3 of the Unsafe Buildings and Collapsed Structures Ordinance of the Town of Cheektowaga, New York requires that unsafe buildings be repaired, demolished or removed, and

WHEREAS, Sally Pantano, residing at _____, Buffalo, New York 14211, who according to the Assessor's Office records is the owner of an unsafe building located at 270 Dean Road, Cheektowaga, New York, has neglected to repair, demolish, survey or remove said unsafe structure, and

WHEREAS, Ronald Marten, Building and Plumbing Inspector and William McGraw, architect, have been appointed to inspect, survey and report on said unsafe building, and

WHEREAS, Ronald Marten, Building and Plumbing Inspector and William McGraw, architect, have inspected and surveyed said building and reported it to be unsafe and dangerous, NOW, THEREFORE, BE IT

RESOLVED that application be made at a Special Term of the Supreme Court, Eighth Judicial District, for an order determining this building to be a public nuisance and directing that it be taken down and removed, and BE IT FURTHER

RESOLVED that all costs incurred in connection with these proceedings be assessed against the land on which the building is located.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 15 Retain legal counsel regarding N.F.T.A.
This item was withdrawn.

Item No. 16 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, a group of senior citizens from the Town of Cheektowaga are planning a trip to the State of Michigan, from September 10 through September 16, 1979, and

WHEREAS, Patricia Wojcik, Town Senior Citizen Coordinator is requesting permission to escort this group of seniors to Michigan, NOW, THEREFORE, BE IT

RESOLVED that Patricia Wojcik, Senior Citizen Coordinator be granted the necessary time to attend said trip to Michigan, September 10 through September 16, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the Town of Cheektowaga has previously agreed to participate in the cost and distribution of the book "The Chapel", and

WHEREAS, it was deemed advisable to temporarily segregate those funds in a Trust and Agency Fund special bank account, NOW, THEREFORE, BE IT

RESOLVED that the Town Board confirm the authorization and establishment of a special bank account designated "Town of Cheektowaga-Trust and Agency Fund-Chapel Book Account" established August 7, 1979.

Item No. 17 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that funds in the amount of \$5,000.00 (Five-Thousand Dollars) be transferred from Account No. A.7550.439 (Celebrations-Patriotic Observances) to Account No. A.7550.440 (Celebrations-Patriotic Commission), and BE IT FURTHER

RESOLVED that funds in the amount of \$3,000.00 (Three-thousand Dollars) be transferred from Account No. A.1990.480 (Contingency) to Account No. A.7550.440 (Celebrations-Patriotic Observances), and BE IT FURTHER

RESOLVED that the fund transfers per the attached sheets be hereby approved and made a part hereof.

* See next three (3) pages

TOWN OF CHEEKTOWAGA, NEW YORK

BUDGET TRANSFER REQUEST

Assessors
Department

August 17, 1979
Date

Fund

Amount	FROM Title	\$	Account	TO Title
A1355 - .222	Office Equipment	Balance of Funds	A1355 - .400	Office Supplies

Andrew H. Schwenk
Signature

ation Balance of funds are needed for office supplies, as this fund is exhausted.

TOWN OF CHEEKTOWAGA, NEW YORK

BUDGET TRANSFER REQUEST

Highway

8/27/79

Department

Date

Highway

Fund

Account No	From		To	
	Title	\$	Account No.	Title
A8560.429	Shade Tree	10,000.00	DS5140.170	Labor - General
140.173	Ditch Work	1,800.00	DM5130.200	Equipment

Alfred F. Truck
Signature

Explanation The transfer from the Shade Tree Fund would be to reimburse the Highway for monies spent for tree planting and tree removal.

The transfer for the Equipment is for the purchase of a used Ford Utility truck we purchased.

TOWN OF CHEEKTOWAGA, NEW YORK
BUDGET TRANSFER REQUEST

TOWN CLERK'S OFFICE
Department

August 24, 1979
Date

_____ Fund

FROM			TO	
Account	Title	\$	Account	Title
A1450.444	(Board of Elections) Rental of Polling Places	\$4,000.00	A1410.400	(Town Clerk) Office Supplies
A1410.455	Contractual Steno	700.00	A1410.460	Microfilming

Richard M. Mleski
Signature

Explanation A transfer of funds is needed to cover the cost of having newly adopted Town Ordinances and Amendments to the Traffic and Zoning Ordinances published in the "General Code of the Town of Cheektowaga". Also, a transfer is needed to cover the cost of copy machine rental and paper and additional office supplies through the end of December, 1979.

A transfer of funds is needed in microfilming to cover the cost of microfilming various Town Board Minute Books and Zoning Board of Appeals Minute Books.

Item No. 18 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA prior to September 4th, 1979 be and the same are hereby approved and the Supervisor is ordered to pay same.

<u>FUND</u>	<u>CHECK NOS.</u>		<u>AMOUNT</u>
	<u>FROM</u>	<u>TO</u>	
General Fund	11545-11818		\$ 366,970.82
Part Town Fund	45-49		5,119.57
Special District Fund	5556-5615		386,074.35
Highway Fund	4730-4799		99,731.86
Trust and Agency Fund	694-699		86,076.04
Capital Fund	239-242		175,230.52
Federal Revenue Sharing Fund	191-199		2,374.40
H.U.D. - C.D.B.G. Fund	171-175		2,652.71
			<u>\$1,124,230.27</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Supervisor's Statement of Funds
Received and Filed.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 21 Dale Volker, Senator - acknowledgement of Town Board resolutions
Received and Filed.

Item No. 22 N.Y.S. Dept. of Trans. - Offer of settlement & summary of
appraised compensation - portion of bed of former Williamsville Rd.
Copies were sent to: Supervisor Kenneth J. Meyers; John V. Rogowski,
Town Attorney; Assessor's Office; Captain Lis, Traffic Safety.
This item was Received and Filed.

Item No. 23 N.Y.S. Dept. of Trans. - Notice of Order - speed limit on Union Road
Copies were sent to: Town Board; Captain Lis; Cheektowaga Traffic
Safety Commission.
This item was Received and Filed.

Item No. 24 N.Y.S. Dept. of Env. Conv. - Notices of appropriation
Copies were sent to: Chester Bryan, Town Engineer; Assessor's
Office
This item was Received and Filed.

- Item No. 25 E.C. Dept. of Public Works - Certificate and Notice of Closing Highway-
Andres Place (Published in CHEEKTOWAGA BEE & COURIER EXPRESS)
Copies were sent to: Chester Bryan, Town Engineer; Captain Lis,
Police Department; T. DeFedericis, Chief of Police; Cheektowaga
Traffic Safety Commission.
This item was Received and Filed.
- Item No. 26 Notice of Petition and Petition - Charles & Elizabeth Zawadzki vs
The Assessor of the Town of Cheektowaga
Copies were sent to: Kenneth J. Meyers, Supervisor; John V. Rogowski,
Town Attorney; E.T. Clauss Ins. Co.
This item was Received and Filed.
- Item No. 27 PETITION - GTE Sylvania, Inc. vs Andrew Schwenk, Assessor
Copies were sent to: John V. Rogowski, Town Attorney; Kenneth J.
Meyers, Supervisor; Assessor's Office.
This item was Received and Filed.
- Item No. 28 Notice of Application for Review - American Telephone & Telegraph
Company vs Town Assessor of the Town and the Town of Cheektowaga
Copies were sent to: E.C. Clauss, Insurance Co.; John V. Rogowski,
Town Attorney; Supervisor Kenneth J. Meyers; Assessor's Office.
This item was Received and Filed.
- Item No. 29 NOTICE OF PETITION - W.N.Y. Property Mgmt. Inc., Marc Equity Corp.,
Marc Equity Partners I, Mader Corporation Employees Pension and
Profit Sharing Trust, David's Acres, Inc., vs Andrew Schwenk,
Assessor, and Board of Review of the Town of Cheektowaga.
Copies were sent to: Kenneth J. Meyers, Supervisor; John V. Rogowski,
Town Attorney; Assessor's Office.
This item was Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Dux, seconded by Councilman Johnson
to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 30 Call for public hearing for proposed use of Federal Revenue Sharing
Funds

Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the current Federal Revenue Sharing Act encourages public
participation, and

WHEREAS, a major part of this participation is a Proposed Use
Hearing for public input, and

WHEREAS, hte Town is in the process of considering 1980 appropriations,
NOW, THEREFORE, BE IT

RESOLVED that a Proposed Use Hearing be held on Monday, September 17,
1979 at 6:30 o'clock P.M., Eastern Daylight Saving Time, in the Council Chambers of
the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York,
and BE IT FURTHER

RESOLVED that notice of such hearing be published in the CHEEKTOWAGA
BEE on September 6, 1979.

N O T I C E O F P U B L I C H E A R I N G

PROPOSED USE OF FEDERAL REVENUE SHARING FUNDS

6:30 P.M., Eastern Daylight Saving Time--Monday, September 17, 1979 at the Cheektowaga Town Hall, corner of Broadway and Union Road, Town of Cheektowaga, New York.

At this time all residents of the Town of Cheektowaga may present written and oral comments on the proposed use of Federal Revenue Sharing Funds for the year 1980.

The Town annually receives approximately \$900,000.00 of such funds. If you cannot attend such hearing please direct written comments to the Office of the Supervisor, Cheektowaga Town Hall.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
Town Clerk

DATED: September 4, 1979

Upon Roll Call

AYES:	Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

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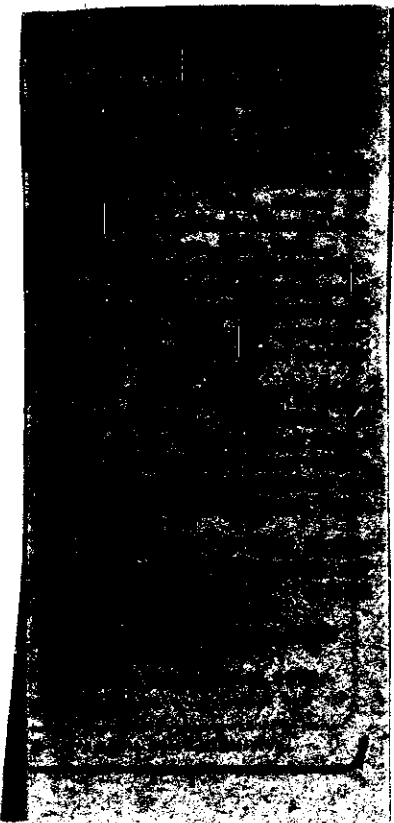
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Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

} ss.



..... George J. Measer
being duly sworn, deposes and says that he is the
..... Publisher of the
..... Cheektowaga News a
public newspaper published at
..... Williamsville, N.Y., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 6th day of Sept.
19 79, and the last insertion being on the same...
day of, 19.....

Subscribed and sworn to before me this 6th day

of Sept., 19 79

Susan Schasel
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 80

Item No. 31 Hiring of clerk for Youth Bureau under Administrative Intern Program

Motion by Councilman Swiatek, seconded by Supervisor Meyers

RESOLVED that Ellen M. Pacer, of _____, Cheektowaga, New York 14227 be hired to work for the Youth Bureau as a clerk in the Administrative Intern Program at the rate of \$3.00 per hour.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 32 Notice to Bidders for refuse dumping site and/or transfer site

Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED that the Town Clerk of the Town of Cheektowaga be and hereby is directed to publish a Notice to Bidders relative to a refuse dumping site and/or a transfer refuse dumping station for the Town of Cheektowaga. Specifications may be obtained from the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York; said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 o'clock P.M., Eastern Daylight Saving Time on September 17, 1979 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E

N O T I C E T O B I D D E R S

Sealed bids will be received and considered by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 7:00 o'clock P.M., Eastern Daylight Saving Time on September 17, 1979, and said bids will be opened at said time and place for the furnishing of a garbage refuse dumping station for the Town of Cheektowaga. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York.

RICHARD M. MOLESKI
Town Clerk

DATED: September 4, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Dux, Kaczmarek, Burst and Wegner
NAYES: Councilman Johnson
ABSENT: 0

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION

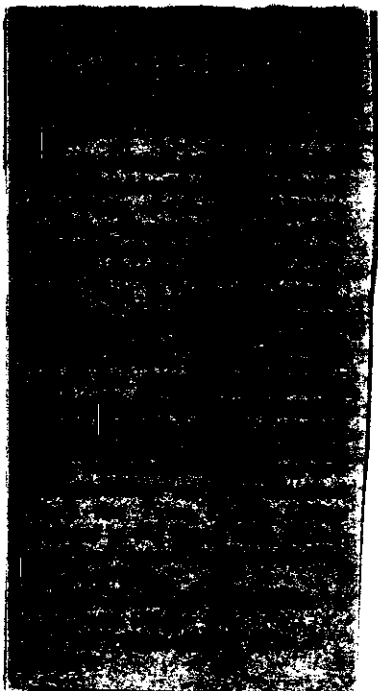
Bee Publications Inc.

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PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.



..... George J. Measer
being duly sworn, deposes and says that he is the
..... Publisher of the
..... Cheektowaga News a
public newspaper published at
..... Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 6th day of Sept.
19.79..., and the last insertion being on the same...
day of, 19.....

Subscribed and sworn to before me this 6th day

of Sept., 19.79

Susan Schasel
Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19.80

Item No. 33 Motion by Councilman Dux, seconded by Councilman Kaczmarek
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

* * * * *
B I D S
* * * * *

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 23 - September 17, 1979</u>		
2	Six (6) new Print-O-Matic Voting Machines.	1
3	Furnishing of a garbage refuse dumping site and/or transfer refuse dumping station for the Town of Cheektowaga.	1
<u>Meeting No. 24 - September 24, 1979</u>		
2	New tires and tubes for Highway Department.	1
3	Rock Salt, cinders and calcium for Highway Department.	1
<u>Meeting No. 25 - October 1, 1979</u>		
2	Equipment Committee - One (1) dump truck for use by Sewage Treatment Plant No. 5.	1
3	Equipment Committee - Furnishing of tires for all Town vehicles.	1

P U B L I C H E A R I N G S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 23 - September 17, 1979</u>	
4	Amendment to Traffic Ordinance - Truck Route System (Eggert Rd., Sugar Rd., Pine Ridge Rd. and Delavan Ave.)	1-2
5	Proposed enactment of ordinance regulating "Underground Storage of Gasoline and other Flammable Liquids"; Repeal Ordinance No. 33 relating to same	2

Meeting No. 25 - October 1, 1979

4	Amendment to the Traffic Ordinance - Art. VIII: "Stop and Yield Intersections" (Judith & Beryl); Art. X: "Parking, Standing, Stopping" (various)	1-3
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* * * * *
R E S O L U T I O N S
* * * * *

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 23 - September 17, 1979</u>		
6	Adoption of Local Law No. 1 of the year 1979 - "A Local Law for Administration and Enforcement of State Building Const. Code".	2-4
7	Resolution repealing Plumbing & Drainage Ordinance and the Building Code of the Town of Chktg.	5
8	Decision on Rezoning - 1607 Como Park Blvd.	6
9	Decision on amendment to cable television franchise re: Rate increases.	6-7
10	Decision on amendment to Traffic Ordinance - Art. X: "Parking, Standing, Stopping" (Zoerb Avenue).	8-9
11	Call for P.H. to amend Traffic Ordinance - Art. VIII: "Stop & Yield"; Art. X: "Parking, Standing, Stopping" (various streets).	10-11
12	Request County permit for 24-hour parking on various Town and County highways.	12
13	Auth. for Supervisor to sign Agreement of Adjustment re: Amtrak Cheektowaga Station.	12-13
14	Retention of attorney to represent Town in pending Assessment Review Proceedings.	13
15	Clean up of property - east of 315 Zoerb Avenue.	13
16	Leave of absence for employee in Building & Plumbing Dept.	13-14
17	Military leave of absence for Cheektowaga Police Officer.	14
18	Equipment Committee - Advertise for bids for purchase of tires for all Town vehicles.	14
19	Equipment Committee - Advertise for bids for one (1) dump truck for use by Treatment Plant No. 5.	15
20	Authorization for N.Y.S. Electric & Gas Corp. to install street lighting in Martinique Subdivision - Part III.	16-17
21	Youth Bureau - Authorization for Supervisor to execute and present application relative to Youth Service Project.	17
22	Youth Bureau - Authorization for Supervisor to execute and present application relative to Youth Recreation Project.	17
23	Youth Bureau - Authorization for Supervisor to execute and present application relative to Youth Bureau Project.	17-18
24	Transfer of funds.	18
25	Warrant list.	19
<u>Meeting No. 24 - September 24, 1979</u>		
4	Call for P.H. for amendment to Traffic Ordinance - Art. V: "One-way Roadways" (Beryl Drive).	1-2
5	Decision on amendment to Traffic Violations Bureau (Ord. No. 24).	3-4
6	Building Permit Fees.	5
7	Resolution to H.U.D. regarding West Seneca, Sec. 8, Family Housing Proposal.	5-6
8	Resolution to Erie County Highway Dept. regarding George Urban traffic problem.	7
9	Award of bid for six (6) new voting machines.	7
10	Installation of five (5) hydrants in Coatesworth, Part X Subdiv.	7
11	Authorization for Supervisor to sign Change Order for N.E. Interceptor Project.	7-9

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 24 - September 24, 1979 Cont'd.</u>		
12	Appointment of laborer in Sewer Maintenance Dept.	9
13	Appointment to position of "Director of Personal Services".	9
14	Appointments to position of Engineering Aide.	9
15	Interim appointments to Cheektowaga Traffic Safety Commission.	10
16	Hiring of help for Winter recreation program.	10
17	Authorization for two (2) detectives to attend seminar.	10-11
18	Authorization for B. Przybylak and M. Bernal to attend work conference.	11
19	Extended sick leave for Police Officer.	11
20	Substitution of attorneys in condemnation proceedings.	11-12
21	Hiring of attorneys regarding N.F.T.A.	12

Meeting No. 25 - October 1, 1979

5	Authorization for Percival G. Bixby & Co. to prepare Note Sale Brochure.	3
6	Authorization for Supervisor to sign facade grant agreement.	3-4
7	Request Erie County Dept. of Public Works to correct traffic hazard on George Urban Blvd.	4-5
8	Resolution accepting applicability of State Building Construction Code in Town of Chktg.	5
9	Acceptance of recommendations and By-Laws as submitted by Chktg. Youth Hockey Steering Committee.	6
10	Engineering Dept. - Approval of change orders relative to Town Hall Alterations & Additions Project.	6
11	Highway Dept. - Rejection of bid for sodium chloride (rock salt) requirements.	6
12	Highway Dept. - Readvertise for bids for sodium chloride (rock salt).	6-7
13	Highway Dept. - Award of bids for calcium, snow fence, tee posts & tie wires: seasonal requirements.	8
14	Authorization for Vice Chairman and Secretary/Treasurer of the Chktg. Library Board to attend meeting in Syracuse, NY.	8
15	Transfer of funds.	8-9
16	Warrant List.	9

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 23 - September 17, 1979</u>		
26	Dr. Louis Vendetti - Health report for month of August, 1979.	19
<u>Meeting No. 24 - September 24, 1979</u>		
22	Building Permits.	12
23	Theodore DeFedericis, Chief of Police - Correspondence re: Terminating position of Court Liason Officer.	12
<u>Meeting No. 25 - October 1, 1979</u>		
17	Supervisor's Statement of Funds - July, August 1979.	9
18	Cheektowaga Public Library Board - Minutes of meeting held June 15, 1979.	9

 G E N E R A L C O M M U N I C A T I O N S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 23 - September 17, 1979</u>		
27	R. Morgado, Secretary to Governor - Acknowledging receipt of resolution dated 8/27/79 re: Games of Chance Licensing Law.	19
28	Assemblyman Dennis Gorski - Acknowledging receipt of resolutions dated 8/27/79 re: Games of Chance Licensing Law.	19
29	N.Y.S. Dept. of Transportation - Notice of P.H.'s to be held 10/23/79 re: Reconstruction & widening of Como Park Blvd. Bridge; reconstruction & widening of Losson Road Bridge.	19
30	Erie County Dept. of Public Works - Notice of Closing Highway: Rowley Road (from Indian Road to Borden Road).	19
31	Notice of Application for Review of Assessment - John Lysiak vs. Andrew Schwenk, Sole Assessor and Robert Winkelhoffer, Chairman of Board of Assessment Review.	20
32	Notice of Claim - George & Dorothy Boersma vs. Town of Chktg.	20
33	Notice of Claim - Lisa Schmitt, Infant and Richard Schmitt vs. Town of Cheektowaga.	20
34	Notice of Claim - Paul M. Toms vs. Town of Cheektowaga.	20
35	Mrs. L.M. Carr, - Request payment from Town for expenses incurred relative to flooding conditions.	20
36	Residents of Westchester Drive - Correspondence relative to flooding conditions.	20
37	Residents of Monterey Lane - Petition regarding one-side parking on street.	20
38	Mrs. N. Beiter, representing homeowners of Geo. Urban Blvd. - Request Town Board action re: Curve in road over thruway overpass.	20
39	D.P. Fatta, 1544 Como Park Blvd. - Correspondence relative to traffic situation at Fremont St. and Como Park Blvd.	20
<u>Meeting No. 24 - September 24, 1979</u>		
24	N.Y.S. Dept. of Agriculture and Markets - Notice of P.H. regarding Dog License & Control.	13
25	Erie County Dept. of Environment & Planning - Notice of hearing.	13
26	Jefferson Ins. Co. of N.Y. - Letter regarding Notice of Claim - Dan Szczerba vs. Town of Cheektowaga.	13
27	Summons & Complaint - Margaret Heisler, Inc. and as parent of Darren Heisler vs. Town of Cheektowaga.	13
28	Summons & Verified Complaint - Barbara Wenk, Ind. and as mother of Roland Wenk, Jr. vs. Town of Cheektowaga.	13
29	E. Widomski - Correspondence re: Standing water in approach "apron" to driveway.	13
<u>Meeting No. 25 - October 1, 1979</u>		
19	Dennis T. Gorski, Assemblyman, 146th Dist. - Letter acknowledging receipt of Town Board resolution of 8/20/79 re: Inspection of Walden Ave. water line and elimination of dead-end water line on Alexander St.	9
20	Economic Development Committee, Erie Cty. Legislature - Letter re: Town Board resolution of 7/16/79 concerning an increase in the rate of reimbursement for maintenance of county roads.	9
21	N.Y.S. Dept. of Transportation - Proceeding on motion of the Dept. as to increased fares proposed by Niagara Scenic Bus Lines.	10

GENERAL COMMUNICATIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 25 - October 1, 1979 Cont'd.</u>	
22	N.Y.S. Dept. of Transportation - Notice of Order establishing stop sign on Kings Plaza driveway: entrance from east.	10
23	N.Y.S. Dept. of Transportation - Notice of Order establishing yield sign on Valu Plaza driveway: entrance from north.	10
24	N.Y.S. Dept. of Transportation - Notice of Order establishing standing restriction on Route 354, Clinton Street.	10
25	Erie County Dept. of Public Works - Notice of Closing Highway: Mildred Avenue.	10
26	J.S. Mowatt, Director, Community Development Program - Correspondence relative to Cedargrove Heights, NSA Program.	10

 S U S P E N S I O N O F R U L E S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 23 - September 17, 1979</u>		
40	Authorization for Niagara Mohawk Power Corp. to remove and replace 26 street lights on Walden Avenue (between Harlem Rd. and Buffalo City Line).	21-22
<u>Meeting No. 24 - September 24, 1979</u>		
30	Award of bid for Town Vehicles sold through bidding.	13-15
<u>Meeting No. 25 - October 1, 1979</u>		
27	Decision on Rezoning - 580 French Road.	10-11
28	Leave of absence for employee in Sewer Maintenance Dept.	11
29	Authorization for Y.C.C. Project Coordinators to use Town vehicle to attend working conference in Marcy, NY.	11-12
30	Schedule of budgetary review work sessions.	12
31	Retention of Appraiser relative to easement requirement at north-east corner of Borden Road & Losson Road.	12

PUBLIC HEARING AT 6:30 P.M. - PROPOSED USE OF FEDERAL REVENUE SHARING FUNDS

This was the time and place advertised for a public hearing to consider the proposed use of Federal Revenue Sharing Funds for the year 1980. The Town annually receives approximately \$900,000 of such funds.

By a full Council Chamber crowd of Town residents, it was overwhelmingly urged that all Federal Revenue Sharing Funds be used for flood control relief/projects. Town Board members said it was feasible to use the funds to help pay for a \$4 million bond issue to substantially increase available money for flood control projects. It was unanimously suggested that the Town Clerk make a public record of this request for future reference.

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, corner of Broadway and Union Road, in said Town on the 17th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

- PRESENT: Supervisor Kenneth J. Meyers
 Councilman Frank E. Swiatek
 Councilman Thomas M. Johnson, Jr.
 Councilman Frank J. Dux
 Councilman George Kaczmarek
 Councilman James R. Burst
 Councilman Donald J. Wegner

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Legislator William Pauly; Theodore DeFedericis, Chief of Police; Alfred Wnek, Highway Superintendent; Ken Kopacz, Executive Director of the Youth Bureau; Ron Zoeller, Sanitation Department Foreman; Chester L. Bryan, Town Engineer; Ron Marten, Building & Plumbing Inspector; Sal LaGreca, Assistant Manpower Program Director I; Al Thrun, Cheektowaga Traffic Safety Commission; Julia Reinstein, Town Historian; Dr. Louis Vendetti, Town Health Officer.

I. BIDS

Item No. 2 Six (6) new Print-0-Matic Voting Machines
 Bids referred to Chester L. Bryan, Town Engineer; Richard M. Moleski, Town Clerk.

Item No. 3 Furnishing of a garbage refuse dumping site and/or transfer refuse dumping station for the Town of Cheektowaga.
 Bids referred to Ronald Zoeller, Sanitation Department Foreman.

II. PUBLIC HEARINGS

Item No. 4 This was the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof of publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said proposed amendment being as follows:

TRUCK ROUTE SYSTEM

23

Item No. 4 Cont'd.

Truck Route System - (a) A truck route system upon which all trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are permitted to travel and operate, shall consist of the following highways:

1. Eggert Road between Buffalo City Line and Sugar Road
2. Sugar Road between Eggert Road and Pine Ridge Road
3. Pine Ridge Road between Sugar Road and Delavan Avenue
4. Delavan Avenue between Pine Ridge Road and the Buffalo City Line

(b) All trucks, tractors and tractor-trailers combinations having a total gross weight in excess of five tons are hereby excluded from Eggert Road, between Sugar Road and Delavan Avenue except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are excluded.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 5 This was the time and place advertised for a public hearing to consider the advisability of adopting and enacting an ordinance regulating "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" in the Town of Cheektowaga, New York. Said Ordinance will control the storage, use and sale of gasoline and other flammable liquids from underground storage tanks, and the installation and operation of such tanks, and shall apply to all persons, firms or corporations using, storing or selling gasoline and other flammable liquids from underground storage tanks. A copy of the proposed "UNDERGROUND STORAGE OF GASOLINE AND OTHER FLAMMABLE LIQUIDS" ordinance is on file in the Town Clerk's Office where the same may be examined during regular business hours.

This was also the time and place advertised to consider the repeal of Ordinance No. 33 of the Town of Cheektowaga, enacted on August 6, 1962, which pertains to the subject of underground storage of gasoline and other flammable liquids.

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

III. RESOLUTIONS

Item No. 6 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting Local Law No. 1 of the year 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed Local Law was duly held by the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 4th day of September, 1979 at 7:00 p.m. Eastern Daylight Saving Time and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to enact the following Local Law as set forth below,

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 1 of the year

Item No. 6 Cont'd.

1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" BE and the same hereby is enacted as follows:

*See next twelve (12) pages for copy of Local Law No. 1.

LAW FOR ADMINISTRATION AND ENFORCEMENT OF
STATE BUILDING CONSTRUCTION CODE

13-1 Title; Legislative Intent

This local law shall be known as the "LAW FOR ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CONSTRUCTION CODE"; and together with the State Building Code will be hereinafter referred to as this Code.

It is the intent of this local law to provide for the administration and enforcement of the provisions of all laws, codes, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures, and appurtenances located within the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

13-2 Applicable Standards

The New York State Building Construction Code is recognized as the official code for the purpose of prescribing regulations governing construction within the limits of the Town of Cheektowaga.

13-3 Administration and Enforcement

The provisions of this Code shall be administered and enforced by the Building Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this Code and by Section 138 of the Town Law of the State of New York.

13-4 Restrictions On Employees

The Building Inspector or any officer or employee of the Building Inspection Department shall not engage in any activity inconsistent with his duties, or with the interests of the Building Inspection Department; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of the construction, alteration, demolition, or maintenance of a building, or the preparation of plans, or specifications thereof, within the Town of Cheektowaga, excepting that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or a structure owned by him for his own personal use and occupancy, or for the use and occupancy of members of his immediate family, and not constructed for sale.

13-5 Duties and Powers of Building Inspector

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances, and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, including plumbing and drainage work therein, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.
- B. He shall have the power to adopt rules, with the consent of the Town Board, to secure the intent and purposes of this Code and a proper enforcement of the laws, ordinances and regulations governing building construction, alteration or repair, and plumbing and drainage work in or adjacent to any building or structure.

- C. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits for the erection, alteration, removal, repair, and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued, for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.
- D. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications to install any new plumbing or drainage work in or adjacent to a building or structure, or to extend or alter any existing plumbing or drainage work, whether such work is to be connected with a sewer or not.
- E. He shall, on complaint or other information, examine existing and completed buildings and structures, as well as buildings and structures under construction, and shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards, during the construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances and regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from other employees of the Building Inspection Department or from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.
- F. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative laboratories and/or service bureaus or agencies.
- G. He shall adopt such administrative rules and regulations as may be necessary or desirable for the enforcement and application of this Code, and all persons making application to the Building Inspection Department or subject to this Code shall comply with such rules and regulations, copies of which shall remain on file in the office of the Building Inspector at all times.
- H. He shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the State Building Construction Code which such certificate shall certify that the building conforms to the requirements of the State Building Construction Code.

13-6 Department Records and Reports

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records.
- B. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

13-7 Prohibitions; Penalties

In accordance with Article 18 of the Executive Law of the State of New York:

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any of the provisions of this code or to fail in any manner to comply with any notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit, Plumbing Permit or Certificate of Occupancy.
- B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this code or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by thirty (30) days in jail, or both. Each day that each violation continues shall be deemed a separate offense.
- C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

13-8 Abatement of Violation

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

13-9 Permit Requirement; Commencement and Performance of Work; Stop Work Orders; Revocation of Permits

A. Application for Building Permit; Plumbing Permit

- (1) No person, firm or corporation shall commence erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or installation therein of any building or structure or change in nature the occupancy of any building or structure without first obtaining an appropriate permit from the Building Inspector, except that no permit shall be required for the performance of repairs which are not structural in nature and do not entail plumbing, electrical, heating or venting.
- (2) Application for a permit shall be made to the Building Inspector on forms available in the office of the Building Inspector. Applicants shall provide information and documents as may be required in the discretion of the Building Inspector or required in accordance with his established policy and procedure or rules and regulations and as otherwise required by this code or other applicable codes and ordinances, rules or regulations of the Town.
- (3) Application for a permit shall be made by the owner or lessee or the agent of either or by the architect, engineer or builder employed in connection with the proposed work.
- (4) Each application for a building permit shall be accompanied by plans and specifications bearing the signature of the person responsible

for the design and drawings and, where required by Section 7302, as amended, of article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

- (5) In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained by a plumber licensed by the Town of Cheektowaga.
- (6) Amendments to the application or to the plans and specifications may be filed at any time prior to completion of the work. Such amendments shall likewise be subject to the approval of the Building Inspector.

B. Issuance or Denial of Building Permits

- (1) The Building Inspector shall review or cause to be reviewed all applications for permits together with the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.
- (2) Upon approval of the application and upon the receipt of any and all required fees therefor, the Building Inspector shall issue a permit to the applicant upon the form prescribed by the Building Inspector and shall affix his signature or cause his signature to be affixed thereto.
- (3) Fees collected shall be as specified on the Building Permit Fee Schedule or on the Plumbing Permit Fee Schedule, as approved by Town Board resolution.

C. Performance of Work Under Building Permit or Plumbing Permit; Conditions of Permit

- (1) A building permit shall be considered authorization to commence work, for a period of six (6) months after the date of its issuance, in accordance with the application, plans and specifications as approved by the Building Inspector. Except for Building or Plumbing Permits issued for demolition purposes, work shall commence within ninety (90) days of the date of issuance. For permits issued for demolition purposes, work shall commence within fifteen (15) days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date, except that the Building Inspector may postpone such expiration date not more than six (6) months at his discretion.
- (2) It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.
- (3) The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.
- (4) Permits, plans and surveys approved by the Building Inspector shall be available on the job site at all times during the progress of construction. Permits issued by the Building Inspector shall be

displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

- (5) Notice in writing shall be given to the Building Inspector at least twenty-four (24) hours before the commencement of any work requiring a permit.
- (6) Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the Building Inspector shall be notified, in writing, and permission shall be secured before installing insulation, lath, plaster, plaster-board or any other covering thereon.

D. Stop Work Orders

Whenever the Building Inspector has reasonable grounds to believe that work on or in any building or structure is being prosecuted in violation of the provisions of the applicable building or plumbing laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

E. Revocation of Permits

The Building Inspector shall have authority to revoke permits theretofore issued in the following instances:

- (1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specification on which the building permit was based;
- (2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law;
- (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or
- (4) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

13-10 Right of Entry

The Building Inspector and each of those personnel designated by him upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

13-11 Supervision of Construction

- A. No building which is to have a total floor area in excess of ten thousand (10,000) square feet shall be constructed except under the supervision of a professional engineer or architect licensed or registered in the State of New York

- B. No permit will be issued for the construction of a building which is to have a total floor area in excess of ten thousand (10,000) square feet until an affidavit is filed with the Building Inspector certifying that the construction of such building will be supervised by a professional engineer or architect licensed or registered in the State of New York. The affidavit shall be signed and sworn to by the engineer or architect who will supervise the construction of such building, and shall have his professional seal affixed. In the event such engineer or architect shall, for any reason, discontinue his supervision of the building at any time prior to the completion, he shall immediately notify the Building Inspector of such fact and thereupon the building permit issued for such construction shall be suspended and no further work shall be done thereunder until another such affidavit shall be filed with the Building Inspector certifying that supervision of the construction has been resumed by another or the same engineer or architect.
- C. No Certificate of Occupancy will be issued for a building having a total floor area in excess of ten thousand (10,000) square feet until a final certificate is filed with the Building Inspector by the engineer or architect who supervised the construction, that the building was in fact erected in conformity with the plans therefor filed with the Building Inspector.

13-12 Abandonment of Project

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all incompleated structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

13-13 Highway, Sanitary Sewer and Water Line Required

No building permit shall hereafter be issued for the construction of a building upon any property located within the boundaries of any existing sanitary sewer district or extension thereof, unless the highway adjoining the property upon which said structure is to be placed has the following improvements:

- A. A highway constructed and completed to comply with specifications of the Town Highway Superintendent, and other regulations of the Town of Cheektowaga, New York.
- B. A lateral sanitary sewer in the highway, connected with the sanitary sewer system of the sanitary sewer district in which the property is located to comply with the rules and regulations of New York State and/or the Erie County Health Departments.
- C. A water line in the highway or on private property constructed to conform with the rules and regulations of the Erie County Water Authority or satisfactory proof that a contract has been entered into with the Erie County Water Authority for such construction.

In the event that all of the aforementioned utilities are not installed at the time the application for a Building Permit is made, the Town Board may issue a permit provided the applicant for a permit furnishes the Town of Cheektowaga with a Surety Bond in an amount fixed by the Town Board, conditioned that the highway and the sanitary sewer serving such structure will be constructed within six (6) months after the issuance of the Building Permit, and that all other provisions of this Ordinance will be fully complied with.

13-14 Certificate of Occupancy; Requirements; Temporary Certificates of Occupancy

A. Certificate of Occupancy; Requirements

- (1) No building hereafter erected, enlarged, extended or altered shall be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Inspector. This provision shall not apply to enlargements or extensions of single family dwellings where the original floor area is not increased by more than twenty-five (25) percent.
- (2) No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued by the Building Inspector.
- (3) An application for a Certificate of Occupancy shall be made by the owner or his agent on forms provided by the Building Inspection Department. Accompanying this application and before the issuance of a Certificate of Occupancy, there shall be filed with the Building Inspector a survey of the land and structures under the seal and signature of a land surveyor authorized to practice in the State of New York and any other documents that may be required by the Building Inspector.
- (4) Before issuing a Certificate of Occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a Building Permit to construct, enlarge, alter, repair, or change the use or nature of occupancy and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a Building Permit or Plumbing Permit has been issued. There shall be maintained, in the Building Inspection Department, a record of all such examinations and inspections together with a record of findings of violations of the law.
- (5) When after final inspection it is found that the proposed work has been completed in accordance with the applicable Building Code, Ordinances, Rules and Regulations and also in accordance with the application, approved plans and specifications filed in connection with the issuance of a Building Permit or Plumbing Permit; the Building Inspector shall issue a Certificate of Occupancy upon the form provided by him.
- (6) If it is found that the proposed work has not been properly completed, the Building Inspector shall not issue a Certificate of Occupancy and shall order the work completed in conformity with the Building Permit or Plumbing Permit and in conformity with the applicable Building Code, Ordinances, Rules and Regulations and the approved plans.
- (7) The Building Inspector shall act to issue or deny an application for a Certificate of Occupancy within thirty (30) days after written application therefor is made if all work has been completed and final inspections can be made.
- (8) The Certificate of Occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable Building Law, Ordinance, Rules and Regulations and shall specify the use or uses and the extent thereof which the building or structure or its several parts may be put. Except as otherwise provided by law, a Certificate of Occupancy issued through error of fact or law shall not be valid.

B. Temporary Certificate of Occupancy

Upon request, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure or part thereof before the entire work covered by the Building Permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. The temporary Certificate of Occupancy shall remain in effect for the period of time stated in the condition, which period of time may be extended by the Building Inspector for good cause.

13-15 Board of Plumbing and Drainage Examiners

The Board of Plumbing and Drainage Examiners hereby established and hereafter called the "Board" shall consist of five (5) members, to wit: the Building Inspector, the Town Engineer and three (3) persons who have actively engaged in the plumbing business for at least ten (10) years next preceding their membership on such Board. The last three (3) members shall be appointed by the Supervisor by and with the consent of the other members of the Town Board and must be residents of the Town of Cheektowaga. The term of office of the last mentioned three (3) members shall be two years.

Each member of the Board, except the Town Engineer and the Town Building Inspector, shall receive, as compensation as such Board Member, such amount as a majority of said Board shall determine, but in no event shall such compensation for any one (1) member total more than two hundred fifty dollars (\$250.00) per year. The Town Engineer and the Town Building Inspector shall serve without compensation.

13-16 Regulations, Duties

The Board shall make rules and regulations for the conduct of its business as an Examining Board.

The Board shall have jurisdiction over and examine each applicant for a license to determine his qualifications for a Master Plumber's license under this code and to issue Certificates of Competency to all such persons who shall have satisfactorily passed the examination before such Board and shall be by it determined to be qualified for conducting the business of plumbing.

13-17 Master Plumber's License Required

No person shall engage in or conduct a business of maintaining, installing or altering, repairing or contracting to install, alter or repair any plumbing in the Town of Cheektowaga until such person shall apply for and obtain a Master Plumber's license to engage in such business as herein provided.

13-18 Application for Licenses

Any persons desiring to take the examination for a Master Plumber's Certificate of Competency must be an American citizen and a Journeyman Plumber for a minimum of eight thousand (8,000) hours as an employee of a licensed Master Plumber. He shall make a sworn application in writing, accompanied by a filing and examination fee of twenty-five dollars (\$25.00), not returnable, and by two (2) photographs of the applicant, approximately one and one-half by one and one-half ($1\frac{1}{2} \times 1\frac{1}{2}$) inches, taken within the past thirty (30) days, to the Building Inspector, who, if said application is in good order, shall refer it to the Board. The Board shall thereupon arrange and conduct an examination as to the competency and qualifications of such applicant within six (6) months of date of said application.

13-19 Issuing of Licenses

The Town Clerk shall issue a license authorizing said applicant to conduct such business in the Town of Cheektowaga upon receipt of a Certificate of Competency from the Board showing that such person, a member of such firm or the superintendent of construction of such corporation has satisfactorily passed an examination held by said Board. The Certificate of Competency must be dated within one (1) year of the date of the application.

Every applicant shall, prior to the issuance of a Master Plumber's License, or a renewal thereof file with the Town Clerk a bond in the sum of two thousand dollars (\$2,000.00) of an indemnity company, conditioned to indemnify and save harmless the Town of Cheektowaga of and from all damages and losses which may result from the work of said plumber, firm or corporation being done carelessly or imperfectly or in such a way that injury or loss results to persons or property thereby, or by reason of his failing to comply with all and singular, the rules and regulations as now or may hereafter be established by the Town Board or Superintendent of Highways, or with any ordinances of the Town in relation to making excavations in the public streets or on private driveways or property, or with any provisions of the ordinances of the Town of Cheektowaga. The applicant shall file with the Town Clerk Certificates of Insurance protecting the Town to the extent of the following limits: personal liability of fifty thousand/one hundred thousand dollars (\$50,000/\$100,000.) and property damage liability of ten thousand dollars (\$10,000.).

The fee for the license required by this Ordinance shall be fifty dollars (\$50.00) per year, or part thereof, each license expiring on December 31st, next after issuance. Once a license has expired, a plumber shall not be issued permits nor be allowed to continue plumbing work in the Town of Cheektowaga until his license has been renewed. A license may be renewed within twelve (12) months after the date of expiration. A lapse of renewal for a period of more than twelve (12) months shall be considered an abandonment of the business of plumbing within the Town of Cheektowaga and the Certificate of Competency shall become null and void.

13-20 Restrictions on Licenses

No licensed plumber shall allow the use of his or its name or license to any unlicensed person, firm or corporation for the purpose of defrauding the Town or otherwise.

Any person, firm or corporation, doing plumbing work in the Town of Cheektowaga shall exhibit his or its license, upon request, to any Peace Officer, Town Board member, Member of the Board or employee of the Building Inspection Department and shall, while opening any highway for purposes incidental to such work, and while such highway is so opened, exhibit in a conspicuous place adjacent to such opening a sign at least one foot square plainly marked showing the number of such license.

The dissolution of a firm or corporation shall operate as a cancellation of the license of such firm or corporation.

Licenses shall not be transferable.

A license may be suspended or revoked at any time by the Board, if in its judgment the best interests of the inhabitants of the Town shall be served thereby.

13-21 Supplemental Plumbing Regulations

A. Where a public sewer is accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid

waste from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited.

- B. Where the liquid wastes from any plumbing are not discharged into a public sewer, such wastes shall be so treated or disposed of as recommended by the Erie County Health Department and the State of New York Department of Environmental Conservation.
- C. Gutters and inside or outside leaders shall be installed on all roofs. On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.
- D. On new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by the Town of Cheektowaga. Any alternate method of water disposition must be approved by the Town Engineer.
- E. On new construction, all buildings having basements or cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.
- F. No Town drainage easement or natural waterway may be filled in or obstructed in any manner unless an alternative method of water disposition is approved by the Town Engineer.
- G. The main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. All fixtures installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.
- H. The sanitary sewer between any building and the sanitary street sewer must be of either cast-iron, transite, vitrified tile or other manufactured pipe as approved by the Board, except that only cast-iron pipe may be used within a five-foot radius of any building. Vitrified tile must be at least six (6) inches in diameter. Tile pipe for sewers must be of the best, sound, salt-glazed vitrified tile, free from cracks or breaks, with socket joints of uniform shape. No pipe shall have a thickness of less than one-twelfth of the internal diameter and it must be uniform in thickness. The joints for all tile sewers or drains to be approved slip seal or thoroughly caulked with dry unoiled hemp and not to exceed more than one-fourth of the annular space, the balance to be a heated and poured bituminous sewer joint compound, approved by the Board.
- I. Plumbing may be installed by a resident owner himself, within his own home, provided all plumbing complies with the requirements of this code and in such event the word "owner" shall be substituted for the word "plumber" throughout this code, with the exception that the license requirement will be waived.

13-22 Electrical Inspection

- A. All electrical installations, alterations and repair of wiring for electric light, heat and power shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this Ordinance or any other local law, ordinance or Building Code of the Town of Cheektowaga shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or Building Code shall be recognized as proper compliance with this Ordinance. The requirements of the National Electrical Code shall be those known as National Fire Association Pamphlet #70 as approved and adopted by the American Standards Association.
- B. The Chief Inspector and each of the duly appointed Inspectors of the New York Board of Fire Underwriters are hereby authorized and deputized as agents of the Town of Cheektowaga to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Cheektowaga.
- C. It shall be the duty of the Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all the provisions of this Code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, ordinances, and the Building Code as referred to in this Ordinance insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Cheektowaga upon the written request of an authorized official of the Town of Cheektowaga or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances, and equipment, in and on properties within the Town of Cheektowaga where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of Cheektowaga.

It shall be the duty of the Inspector to furnish written reports to the proper officials of the Town of Cheektowaga and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this Ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Town of Cheektowaga to the attention of the Building Inspector.

- D. It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or power in or on properties in the Town of Cheektowaga until an application for inspection has been filed with the New York Board of Fire Underwriters. It shall be a violation of this Ordinance for a person, firm or corporation to connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate or a Certificate of Compliance, by the New York Board of Fire Underwriters.
- E. The provisions of this Ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located out of doors or in buildings used exclusively for that purpose. This Ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials

and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

- F. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Cheektowaga or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this Ordinance.

13-23 Applicability of Other Laws

Nothing in this Code shall be construed to modify or to prevent the application and enforcement of the Zoning Ordinance, Sewer Use Ordinance, Fire Code, or any other law which prescribes more restrictive limitations.

13-24 No Legalization Due to Delinquency

No oversight or dereliction of duty on the part of the Building Inspector or on the part of any employee of the Building Inspection Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building or plumbing laws, ordinances or regulations, or that does not conform to the provisions of an application, plans or specifications on the basis of which a Building Permit or Plumbing Permit was issued, or that does not conform to the applicable provisions of the Zoning Ordinance.

13-25 Relief from Personal Responsibility

No official or employee of the Building Inspection Department shall, while acting pursuant to the provisions of this Ordinance be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

13-26 Severability

- A. If a court of competent jurisdiction finds any provision of this Code invalid in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this Code shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this Code to any building, other structure or tract of land to be invalid in whole or part, the effect of such decision shall be limited to the person, property or situation involved, and the application of any such provisions to any other person, property or situation shall not be affected.

13-27 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State's Office.

Item No. 6 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

**Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee**

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

.....George J. Measer.....
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 20th day of Sept
1979, and the last insertion being on the same
day of , 19.....

Subscribed and sworn to before me this 20th day

of Sept, 19 79

Susan Schasel

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Form No.

**EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
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 Roads, in said Town on the 17th day of September, 1979, at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor
Kenneth J. Meyers
Councilman
Frank E. Swiatek
Councilman
Thomas M. Johnson, Jr.
Councilman
Frank J. Dux
Councilman
George Kaczmarek
Councilman
James R. Burst
Councilman
Donald J. Wegner
ABSENT: 0

Motion by Councilman Wegner
Seconded by Councilman Johnson

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting Local Law No. 1 of the year 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed Local Law was duly held by the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 4th day of September, 1979 at 7:00 p.m. Eastern Standard Time and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to enact the following Local Law as set forth below.

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 1 of the year 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE" be and the same hereby is enacted as follows:

**LAW FOR ADMINISTRATION
AND ENFORCEMENT OF
STATE BUILDING
CONSTRUCTION CODE**

13-1 Title; Legislative Intent
This local law shall be known as the "LAW FOR ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CONSTRUCTION CODE"; and together with the State Building Code will be hereinafter referred to as this Code.

It is the intent of this local law to provide for the administration and enforcement of the provisions of all laws, codes, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures, and appurtenances located within the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

13-2 Applicable Standards
The New York State Building Construction Code is recognized as the official code for the purpose of prescribing regulations governing construction within the limits of the Town of Cheektowaga.

13-3 Administration and Enforcement

The provisions of this Code shall be administered and enforced by the Building Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this Code and by Section 138 of the Town Law of the State of New York.

13-4 Restrictions On Employees

The Building Inspector or any officer or employee of the Building Inspection Department shall not engage in any activity inconsistent with his duties, or with the interests of the Building Inspection Department; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of the construction, alteration, demolition, or maintenance of a building, or the preparation of plans, or specifications thereof, within the

Town of Cheektowaga, excepting that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or a structure owned by him for his own personal use and occupancy, or for the use and occupancy of members of his immediate family, and not constructed for sale.

13-5 Duties and Powers of Building Inspector

A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances, and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, including plumbing and drainage work therein, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.

B. He shall have the power to adopt rules, with the consent of the Town Board, to secure the intent and purposes of this Code and a proper enforcement of the laws, ordinances and regulations governing building construction, alteration or repair, and plumbing and drainage work in or adjacent to any building or structure.

C. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits for the erection, alteration, removal, repair, and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued, for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

D. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications to install any new plumbing or drainage work in or adjacent to a building or structure, or to extend or alter any existing plumbing or drainage work, whether such work is to be connected with a sewer or not.

E. He shall, on complaint or other information, examine existing and completed buildings and structures, as well as buildings and structures under construction, and shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards, during the construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances and regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from other employees of the Building Inspection Department or from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.

F. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative laboratories and/or service bureaus or agencies.

G. He shall adopt such administrative rules and regulations as may be necessary or desirable for the enforcement and application of this Code, and all persons making application to the Building Inspection Department or subject to this Code shall comply with such rules and regulations, copies of which shall remain on file in the office of the Building Inspector at all times.

H. He shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the State Building Construction Code which such certificate shall certify that the building conforms to the requirements of the State Building Construction Code.

13-6 Department Records and Reports

A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees

charged and collected, inspection reports, and notices and orders issued. All such records shall be public records.

B. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

13-7 Prohibitions; Penalties

In accordance with Article 18 of the Executive Law of the State of New York:

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any of the provisions of this code or to fail in any manner to comply with any notice, directive or order of the Building Inspector to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit, Plumbing Permit or Certificate of Occupancy.

B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this code or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by thirty (30) days in jail, or both. Each day that each violation continues shall be deemed a separate offense.

C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose or penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

13-8 Abatement of Violation

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

13-9 Permit Requirement; Commencement and Performance of Work; Stop Work Orders; Revocation of Permits

A. Application for Building Permit; Plumbing Permit

(1) No person, firm or corporation shall commence erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or installation therein of any building or structure or change in nature the occupancy of any building or structure without first obtaining an appropriate permit from the Building Inspector, except that no permit shall be required for the performance of repairs which are not structural in nature and do not entail plumbing, electrical, heating or venting.

(2) Application for a permit shall be made to the Building Inspector on forms available in the office of the Building Inspector. Applicants shall provide information and documents as may be required in the discretion of the Building Inspector or required in accordance with his established policy and procedure or rules and regulations and as otherwise required by this code or other applicable codes and ordinances, rules or regulations of the Town.

(3) Application for a permit shall be made by the owner or lessee or the agent of either or by the architect, engineer or builder employed in connection with the proposed work.

(4) Each application for a building permit shall be accompanied by plans and specifications bearing the signature of the person responsible for the design and drawings and, where required by

Section 7302, as amended, of article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

(5) In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained by a plumber licensed by the Town of Cheektowaga.

(6) Amendments to the application or to the plans and specifications may be filed at any time prior to completion of the work. Such amendments shall likewise be subject to the approval of the Building Inspector.

B. Issuance or Denial of Building Permits

(1) The Building Inspector shall review or cause to be reviewed all applications for permits together with the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.

(2) Upon approval of the application and upon the receipt of any and all required fees therefor, the Building Inspector shall issue a permit to the applicant upon the form prescribed by the Building Inspector and shall affix his signature or cause his signature to be affixed thereto.

(3) Fees collected shall be as specified on the Building Permit Fee Schedule or on the Plumbing Permit Fee Schedule, as approved by Town Board resolution.

C. Performance of Work Under Building Permit or Plumbing Permit; Conditions of Permit

(1) A building permit shall be considered authorization to commence work, for a period of six (6) months after the date of its issuance, in accordance with the application, plans and specifications, as approved by the Building Inspector. Except for Building or Plumbing Permits issued for demolition purposes, work shall commence within ninety (90) days of the date of issuance. For permits issued for demolition purposes, work shall commence within fifteen (15) days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date, except that the Building Inspector may postpone such expiration date not more than six (6) months at his discretion.

(2) It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.

(3) The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.

(4) Permits, plans and surveys approved by the Building Inspector shall be available on the job site at all times during the progress of construction. Permits issued by the Building Inspector shall be displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

(5) Notice in writing shall be given to the Building Inspector at least twenty-four (24) hours before the commencement of any work requiring a permit.

(6) Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the Building Inspector shall be notified, in writing, and permission shall be secured before installing insulation, lath, plaster, plasterboard or any other covering thereon.

D. Stop Work Orders

Whenever the Building Inspector has reasonable grounds to believe that work on or in any building or structure is being prosecuted in violation of the provisions of the applicable building or plumbing laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in

an unsafe and dangerous manner he shall notify the owner of the property, or the owner's agent, the person performing the work suspend all building activity until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

E. Revocation of Permits

The Building Inspector shall have authority to revoke permits theretofore issued in the following instances:

(1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specification on which the building permit was based;

(2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law;

(3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or

(4) Where the person to whom the permit has been issued fails to refuse to comply with a stop order issued by the Building Inspector.

13-10 Right of Entry

The Building Inspector and each of those personnel designated by him upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

13-11 Supervision of Construction

A. No building which is to have a total floor area in excess of ten thousand (10,000) square feet shall be constructed except under the supervision of a professional engineer or architect licensed and registered in the State of New York.

B. No permit will be issued for the construction of a building which is to have a total floor area in excess of ten thousand (10,000) square feet until an affidavit is filed with the Building Inspector certifying that the construction of such building will be supervised by a professional engineer or architect licensed or registered in the State of New York. The affidavit shall be signed and sworn to by the engineer or architect who will supervise the construction of such building, and shall have his professional seal affixed. In the event such engineer or architect shall, for any reason, discontinue his supervision of the building at any time prior to the completion he shall immediately notify the Building Inspector of such fact and thereupon the building permit issued for such construction shall be suspended and no further work shall be done thereunder until another such affidavit shall be filed with the Building Inspector certifying that supervision of the construction has been resumed by another or the same engineer or architect.

C. No Certificate of Occupancy will be issued for a building having a total floor area in excess of ten thousand (10,000) square feet until a final certificate is filed with the Building Inspector by the engineer or architect who supervised the construction, that the building was in fact erected in conformity with the plans therefor filed with the Building Inspector.

13-12 Abandonment of Project

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all incomplete structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

13-13 Highway, Sanitary Sewer and Water Line Required

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Town of Cheektowaga, excepting that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or a structure owned by him for his own personal use and occupancy, or for the use and occupancy of members of his immediate family, and not constructed for sale.

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A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances, and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, including plumbing and drainage work therein, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.

B. He shall have the power to adopt rules, with the consent of the Town Board, to secure the intent and purposes of this Code and a proper enforcement of the laws, ordinances and regulations governing building construction, alteration or repair, and plumbing and drainage work in or adjacent to any building or structure.

C. He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits for the erection, alteration, removal, repair, and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued, for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

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E. He shall, on complaint or other information, examine existing and completed buildings and structures, as well as buildings and structures under construction, and shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards, during the construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances and regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from other employees of the Building Inspection Department or from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.

F. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative laboratories and/or service bureaus or agencies.

G. He shall adopt such administrative rules and regulations as may be necessary or desirable for the enforcement and application of this Code, and all persons making application to the Building Inspection Department or subject to this Code shall comply with such rules and regulations, copies of which shall remain on file in the office of the Building Inspector at all times.

H. He shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the State Building Construction Code which such certificate shall certify that the building conforms to the requirements of the State Building Construction Code.

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B. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

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B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this code or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by thirty (30) days in jail, or both. Each day that each violation continues shall be deemed a separate offense.

C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose or penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

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13-9 Permit Requirement; Commencement and Performance of Work; Stop Work Orders; Revocation of Permits

A. Application for Building Permit; Plumbing Permit

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(2) Application for a permit shall be made to the Building Inspector on forms available in the office of the Building Inspector. Applicants shall provide information and documents as may be required in the discretion of the Building Inspector or required in accordance with his established policy and procedure or rules and regulations and as otherwise required by this code or other applicable codes and ordinances, rules or regulations of the Town.

(3) Application for a permit shall be made by the owner or lessee or the agent of either or by the architect, engineer or builder employed in connection with the proposed work.

(4) Each application for a building permit shall be accompanied by plans and specifications bearing the signature of the person responsible for the design and drawings and, where required by

Section 7302, as amended, of article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

(5) In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained by a plumber licensed by the Town of Cheektowaga.

(6) Amendments to the application or to the plans and specifications may be filed at any time prior to completion of the work. Such amendments shall likewise be subject to the approval of the Building Inspector.

B. Issuance or Denial of Building Permits

(1) The Building Inspector shall review or cause to be reviewed all applications for permits together with the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.

(2) Upon approval of the application and upon the receipt of any and all required fees therefor, the Building Inspector shall issue a permit to the applicant upon the form prescribed by the Building Inspector and shall affix his signature or cause his signature to be affixed thereto.

(3) Fees collected shall be as specified on the Building Permit Fee Schedule or on the Plumbing Permit Fee Schedule, as approved by Town Board resolution.

C. Performance of Work Under Building Permit or Plumbing Permit; Conditions of Permit

(1) A building permit shall be considered authorization to commence work, for a period of six (6) months after the date of its issuance, in accordance with the application, plans and specifications, as approved by the Building Inspector. Except for Building or Plumbing Permits issued for demolition purposes, work shall commence within ninety (90) days of the date of issuance. For permits issued for demolition purposes, work shall commence within fifteen (15) days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date, except that the Building Inspector may postpone such expiration date not more than six (6) months at his discretion.

(2) It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.

(3) The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.

(4) Permits, plans and surveys approved by the Building Inspector shall be available on the job site at all times during the progress of construction. Permits issued by the Building Inspector shall be displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

(5) Notice in writing shall be given to the Building Inspector at least twenty-four (24) hours before the commencement of any work requiring a permit.

(6) Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the Building Inspector shall be notified, in writing, and permission shall be secured before installing insulation, lath, plaster, plasterboard or any other covering thereon.

D. Stop Work Orders

Whenever the Building Inspector has reasonable grounds to believe that work on or in any building or structure is being prosecuted in violation of the provisions of the applicable building or plumbing laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in

an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

E. Revocation of Permits

The Building Inspector shall have authority to revoke permits theretofore issued in the following instances:

(1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specification on which the building permit was based;

(2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law;

(3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or

(4) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

13-10 Right of Entry

The Building Inspector and each of those personnel designated by him upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

13-11 Supervision of Construction

A. No building which is to have a total floor area in excess of ten thousand (10,000) square feet shall be constructed except under the supervision of a professional engineer or architect licensed or registered in the State of New York.

B. No permit will be issued for the construction of a building which is to have a total floor area in excess of ten thousand (10,000) square feet until an affidavit is filed with the Building Inspector certifying that the construction of such building will be supervised by a professional engineer or architect licensed or registered in the State of New York. The affidavit shall be signed and sworn to by the engineer or architect who will supervise the construction of such building, and shall have his professional seal affixed. In the event such engineer or architect shall, for any reason, discontinue his supervision of the building at any time prior to the completion, he shall immediately notify the Building Inspector of such fact and thereupon the building permit issued for such construction shall be suspended and no further work shall be done thereunder until another such affidavit shall be filed with the Building Inspector certifying that supervision of the construction has been resumed by another or the same engineer or architect.

C. No Certificate of Occupancy will be issued for a building having a total floor area in excess of ten thousand (10,000) square feet until a final certificate is filed with the Building Inspector by the engineer or architect who supervised the construction, that the building was in fact erected in conformity with the plans therefor filed with the Building Inspector.

13-12 Abandonment of Project

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all incomplete structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

13-13 Highway, Sanitary Sewer and Water Line Required

No building permit shall hereaf-

ter be issued for the construction of a building upon any property located within the boundaries of any existing sanitary sewer district or extension thereof, unless the highway adjoining the property upon which said structure is to be placed has the following improvements:

A. A highway constructed and completed to comply with specifications of the Town Highway Superintendent, and other regulations of the Town of Cheektowaga, New York.

B. A lateral sanitary sewer in the highway, connected with the sanitary sewer system of the sanitary sewer district in which the property is located to comply with the rules and regulations of New York State and/or the Erie County Health Departments.

C. A water line in the highway or on private property constructed to conform with the rules and regulations of the Erie County Water Authority or satisfactory proof that a contract has been entered into with the Erie County Water Authority for such construction.

In the event that all of the aforementioned utilities are not installed at the time the application for a Building Permit is made, the Town Board may issue a permit provided the applicant for a permit furnishes the Town of Cheektowaga with a Surety Bond in an amount fixed by the Town Board, conditioned that the highway and the sanitary sewer serving such structure will be constructed within six (6) months after the issuance of the Building Permit, and that all other provisions of this Ordinance will be fully complied with.

13-14 Certificate of Occupancy; Requirements; Temporary Certificates of Occupancy

A. Certificate of Occupancy; Requirements

(1) No building hereafter erected, enlarged, extended or altered shall be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Inspector. This provision shall not apply to enlargements or extensions of single family dwellings where the original floor area is not increased by more than twenty-five (25) percent.

(2) No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued by the Building Inspector.

(3) An application for a Certificate of Occupancy shall be made by the owner or his agent on forms provided by the Building Inspection Department. Accompanying this application and before the issuance of a Certificate of Occupancy, there shall be filed with the Building Inspector a survey of the land and structures under the seal and signature of a land surveyor authorized to practice in the State of New York and any other documents that may be required by the Building Inspector.

(4) Before issuing a Certificate of Occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a Building Permit to construct, enlarge, alter, repair, or change the use or nature of occupancy and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a Building Permit or Plumbing Permit has been issued. There shall be maintained, in the Building Inspection Department, a record of all such examinations and inspections together with a record of findings of violations of the law.

(5) When after final inspection it is found that the proposed work has been completed in accordance with the applicable Building Code, Ordinances, Rules and Regulations and also in accordance with the application, approved plans and specifications filed in connection with the issuance of a Building Permit or Plumbing Permit, the Building Inspector shall issue a Certificate of Occupancy upon the form provided by him.

(6) If it is found that the proposed work has not been properly completed, the Building Inspector shall not issue a Certificate of Occupancy and shall order the work completed in conformity

(Continued from Page Six)

with the Building Permit or Plumbing Permit and in conformity with the applicable Building Code, Ordinances, Rules and Regulations and the approved plans.

(7) The Building Inspector shall act to issue or deny an application for a Certificate of Occupancy within thirty (30) days after written application therefor is made if all work has been completed and final inspections can be made.

(8) The Certificate of Occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable Building Law, Ordinance, Rules and Regulations and shall specify the use or uses and the extent thereof which the building or structure or its several parts may be put. Except as otherwise provided by law, a Certificate of Occupancy issued through error of fact or law shall not be valid.

B. Temporary Certificate of Occupancy

Upon request, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure or part thereof before the entire work covered by the Building Permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. The temporary Certificate of Occupancy shall remain in effect for the period of time stated in the condition, which period of time may be extended by the Building Inspector for good cause.

13-15 Board of Plumbing and Drainage Examiners

The Board of Plumbing and Drainage Examiners hereby established and hereafter called the "Board" shall consist of five (5) members, to wit: the Building Inspector, the Town Engineer and three (3) persons who have actively engaged in the plumbing business for at least ten (10) years next preceding their membership on such Board. The last three (3) members shall be appointed by the Supervisor by and with the consent of the other members of the Town Board and must be residents of the Town of Cheektowaga. The term of office of the last mentioned three (3) members shall be two years.

Each member of the Board, except the Town Engineer and the Town Building Inspector, shall receive, as compensation as such Board Member, such amount as a majority of said Board shall

determine, but in no event shall such compensation for any one (1) member total more than two hundred fifty dollars (\$250.00) per year. The Town Engineer and the Town Building Inspector shall serve without compensation.

13-16 Regulations, Duties

The Board shall make rules and regulations for the conduct of its business as an Examining Board.

The Board shall have jurisdiction over and examine each applicant for a license to determine his qualifications for a Master Plumber's license under this code and to issue Certificates of Competency to all such persons who shall have satisfactorily passed the examination before such Board and shall be by it determined to be qualified for conducting the business of plumbing.

13-17 Master Plumber's License Required

No person shall engage in or conduct a business of maintaining, installing or altering, repairing or contracting to install, alter or repair any plumbing in the Town of Cheektowaga until such person shall apply for and obtain a Master Plumber's license to engage in such business as herein provided.

13-18 Application for Licenses

Any persons desiring to take the examination for a Master Plumber's Certificate of Competency must be an American citizen and a Journeyman Plumber for a minimum of eight thousand (8,000) hours as an employee of a licensed Master Plumber. He shall make a sworn application in writing, accompanied by a filing and examination fee of twenty-five dollars (\$25.00), not returnable, and by two (2) photographs of the applicant, approximately one and one-half by one and one-half (1½ x 1½) inches, taken within the past thirty (30) days, to the Building Inspector, who, if said application is in good order, shall refer it to the Board. The Board shall thereupon arrange and conduct an examination as to the competency and qualifications of such applicant within six (6) months of date of said application.

13-19 Issuing of Licenses

The Town Clerk shall issue a license authorizing said applicant to conduct such business in the Town of Cheektowaga upon receipt of a Certificate of Competency from the Board showing that such person, a member of such firm or the superintendent of construction of such corporation has satisfactorily passed an examination held by said Board. The Certificate of Competency must be dated within one (1) year

of the date of the application.

Every applicant shall, prior to the issuance of a Master Plumber's License, or a renewal thereof file with the Town Clerk a bond in the sum of two thousand dollars (\$2,000.00) of an indemnity company, conditioned to indemnify and save harmless the Town of Cheektowaga of and from all damages and losses which may result from the work of said plumber, firm or corporation being done carelessly or imperfectly or in such a way that injury or loss results to persons or property thereby, or by reason of his failing to comply with all and singular, the rules and regulations as now or may hereafter be established by the Town Board or Superintendent of Highways, or with any ordinances of the Town in relation to making excavations in the public streets or on private driveways or property, or with any provisions of the ordinances of the Town of Cheektowaga. The applicant shall file with the Town Clerk Certificates of Insurance protecting the Town to the extent of the following limits: personal liability of fifty thousand/one hundred thousand dollars (\$50,000/\$100,000.) and property damage liability of ten thousand dollars (\$10,000.).

The fee for the license required by this Ordinance shall be fifty dollars (\$50.00) per year, or part thereof, each license expiring on December 31st, next after issuance. Once a license has expired, a plumber shall not be issued permits nor be allowed to continue plumbing work in the Town of Cheektowaga until his license has been renewed. A license may be renewed within twelve (12) months after the date of expiration. A lapse of renewal for a period of more than twelve (12) months shall be considered an abandonment of the business of plumbing within the Town of Cheektowaga and the Certificate of Competency shall become null and void.

13-20 Restrictions and Licenses

No licensed plumber shall allow the use of his or its name or license to any unlicensed person, firm or corporation for the purpose of defrauding the Town or otherwise.

Any person, firm or corporation, doing plumbing work in the Town of Cheektowaga shall exhibit his or its license, upon request, to any Peace Officer, Town Board member, Member of the Board or employee of the Building Inspection Department and shall, while opening any highway for purposes incidental to such work, and while such highway is so opened,

exhibit in a conspicuous place adjacent to such opening a sign at least one foot square plainly marked showing the number of such license.

The dissolution of a firm or corporation shall operate as a cancellation of the license of such firm or corporation.

Licenses shall not be transferable.

A license may be suspended or revoked at any time by the Board, if in its judgment the best interests of the inhabitants of the Town shall be served thereby.

13-21 Supplemental Plumbing Regulations

A. Where a public sewer is accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid waste from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited.

B. Where the liquid wastes from any plumbing are not discharged into a public sewer, such wastes shall be so treated or disposed of as recommended by the Erie County Health Department and the State of New York Department of Environmental Conservation.

C. Gutters and inside or outside leaders shall be installed on all roofs. On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.

D. On new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by the Town of Cheektowaga. Any alternate method of water disposition must be approved by the Town Engineer.

E. On new construction, all buildings having basements or cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not avail-

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but in no event shall compensation for any one (1) be more than two thousand dollars (\$2,000.00) per year. The Town Engineer and the Building Inspector shall have no compensation.

Regulations, Duties and Powers. The Board shall make rules and regulations for the conduct of its business and an Examining Board. The Board shall have jurisdiction to examine each applicant for a license to determine his qualifications for a Master Plumber's License under this code. The Board shall issue Certificates of Competency to all such persons who have satisfactorily passed an examination before such Board. It shall be by it determined who is qualified for conduct of business of plumbing.

Master Plumber's License. No person shall engage in or conduct any business of maintaining or altering, repairing or contracting to install, alter or do any plumbing in the Town of Cheektowaga until such person shall apply for and obtain a Master Plumber's license to do such business as herein

Application for Licenses. Any person desiring to take the examination for a Master Plumber's Certificate of Competency shall be an American citizen and a man of eight thousand dollars net worth as an employee of a Master Plumber. He shall submit a sworn application in person accompanied by a filing fee of twenty-five dollars (\$25.00), not returnable, and two (2) photographs of the applicant, approximately one and one-half inches, taken within the last (30) days, to the Building Inspector, who, if said application is in good order, shall refer it to the Board. The Board shall determine and conduct the examination as to the competency and qualifications of such applicant within six (6) months of the date of application.

Issuance of Licenses. The Town Clerk shall issue a license authorizing said applicant to do such business in the Town of Cheektowaga upon receipt of a Certificate of Competency from the Board showing that the applicant, a member of such corporation, or the superintendent of such corporation, has satisfactorily passed an examination held by said Board. The license shall be valid for a period of one (1) year

of the date of the application.

Every applicant shall, prior to the issuance of a Master Plumber's License, or a renewal thereof file with the Town Clerk a bond in the sum of two thousand dollars (\$2,000.00) of an indemnity company, conditioned to indemnify and save harmless the Town of Cheektowaga of and from all damages and losses which may result from the work of said plumber, firm or corporation being done carelessly or imperfectly or in such a way that injury or loss results to persons or property thereby, or by reason of his failing to comply with all and singular, the rules and regulations as now or may hereafter be established by the Town Board or Superintendent of Highways, or with any ordinances of the Town in relation to making excavations in the public streets or on private driveways or property, or with any provisions of the ordinances of the Town of Cheektowaga. The applicant shall file with the Town Clerk Certificates of Insurance protecting the Town to the extent of the following limits: personal liability of fifty thousand/one hundred thousand dollars (\$50,000/\$100,000.) and property damage liability of ten thousand dollars (\$10,000.).

The fee for the license required by this Ordinance shall be fifty dollars (\$50.00) per year, or part thereof, each license expiring on December 31st, next after issuance. Once a license has expired, a plumber shall not be issued permits nor be allowed to continue plumbing work in the Town of Cheektowaga until his license has been renewed. A license may be renewed within twelve (12) months after the date of expiration. A lapse of renewal for a period of more than twelve (12) months shall be considered an abandonment of the business of plumbing within the Town of Cheektowaga and the Certificate of Competency shall become null and void.

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exhibit in a conspicuous place adjacent to such opening a sign at least one foot square plainly marked showing the number of such license.

The dissolution of a firm or corporation shall operate as a cancellation of the license of such firm or corporation.

Licenses shall not be transferable.

A license may be suspended or revoked at any time by the Board, if in its judgment the best interests of the inhabitants of the Town shall be served thereby.

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B. Where the liquid wastes from any plumbing are not discharged into a public sewer, such wastes shall be so treated or disposed of as recommended by the Erie County Health Department and the State of New York Department of Environmental Conservation.

C. Gutters and inside or outside leaders shall be installed on all roofs. On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.

D. On new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by the Town of Cheektowaga. Any alternate method of water disposition must be approved by the Town Engineer.

E. On new construction, all buildings having basements or cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not avail-

able, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.

F. No Town drainage easement or natural waterway may be filled in or obstructed in any manner unless an alternative method of water disposition is approved by the Town Engineer.

G. The main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. All fixtures installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.

H. The sanitary sewer between any building and the sanitary street sewer must be of either cast-iron, transite, vitrified tile or other

(Please turn to Page 22)

(Continued from Page 19)

manufactured pipe as approved by the Board, except that only cast-iron pipe may be used within a five-foot radius of any building. Vitrified tile must be at least six (6) inches in diameter. Tile pipe for sewers must be of the best, sound, salt-glazed vitrified tile, free from cracks or breaks, with socket joints of uniform shape. No pipe shall have a thickness of less than one-twelfth of the internal diameter and it must be uniform in thickness. The joints for all tile sewers or drains to be approved slip seal or thoroughly caulked with dry unsoiled hemp and not to exceed more than one-fourth of the annular space, the balance to be a heated and poured bituminous sewer joint compound, approved by the Board.

1. Plumbing may be installed by a resident owner himself, within his own home, provided all plumbing complies with the requirements of this code and in such event the word "owner" shall be substituted for the word "plumber" throughout this code, with the exception that the license requirement will be waived.

13-22 Electrical Inspection

A. All electrical installations, alterations and repair of wiring for electric light, heat and power shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this Ordinance or any other local law, ordinance or Building Code of the Town of Cheektowaga shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or Building Code shall be recognized as proper compliance with this Ordinance. The requirements of the National Electrical Code shall be those known as National Fire Association Pamphlet #70 as approved and adopted by the American Standards Association.

B. The Chief Inspector and each of the duly appointed Inspectors of the New York Board of Fire Underwriters are hereby authorized and deputized as agents of the Town of Cheektowaga to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will

the cost or expense of such inspections and reinspections be a charge against the Town of Cheektowaga.

C. It shall be the duty of the Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all the provisions of this Code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, ordinances, and the Building Code as referred to in this Ordinance insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Cheektowaga upon the written request of an authorized official of the Town of Cheektowaga or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances, and equipment, in and on properties within the Town of Cheektowaga where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of Cheektowaga.

It shall be the duty of the Inspector to furnish written reports to the proper officials of the Town of Cheektowaga and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this Ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Town of Cheektowaga to the attention of the Building Inspector.

D. It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or power in, or on properties in the Town of Cheektowaga until an application for inspection has been filed with the New York Board of Fire Underwriters. It shall be a violation of this Ordinance for a person, firm or corporation to

connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate or a Certificate of Compliance, by the New York Board of Fire Underwriters.

E. The provisions of this Ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located out of doors or in buildings used exclusively for that purpose. This Ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

F. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Cheektowaga or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this Ordinance.

13-23 Applicability of Other Laws

Nothing in this Code shall be construed to modify or to prevent the application and enforcement of the Zoning Ordinance, Sewer Use Ordinance, Fire Code, or any other law which prescribes more restrictive limitations.

13-24 No Legalization Due to Delinquency

No oversight or dereliction of duty on the part of the Building Inspector or on the part of any employee of the Building Inspection Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building

or plumbing laws, ordinances or regulations, or that does not conform to the provisions of an application, plans or specifications on the basis of which a Building Permit or Plumbing Permit was issued, or that does not conform to the applicable provisions of the Zoning Ordinance.

13-25 Relief from Personal Responsibility

No official or employee of the Building Inspection Department shall, while acting pursuant to the provisions of this Ordinance be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

13-26 Severability

A. If a court of competent jurisdiction finds any provision of this Code invalid in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this Code shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision of this Code to any building, other structure or tract of land to be invalid in whole or part, the effect of such decision shall be limited to the person,

property or situation involved and the application of any provisions to any other person, property or situation shall not be affected.

13-27 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State's Office.

and

RE IT FURTHER RESOLVED that within five (5) days of adoption the Town Clerk will file a certified copy of the Local Law in his office, a certified copy with the State Comptroller, a certified copy with the State Division of Housing, and four (4) certified copies with the Secretary of State, BE IT FURTHER

RESOLVED, that the Town Attorney must certify that the provisions of the law is correct and that all legally required steps have been taken in passing the law, and BE IT FURTHER

RESOLVED, that this Local Law No. 1 of the Year 1979 shall take effect upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Upon roll call — Supervisor Meyers Voting AYE; Councilman Swiatek Voting AYE; Councilman Johnson Voting AYE; Councilman Dux Voting AYE; Councilman Kaczmarek Voting AYE; Councilman Burat Voting AYE; Councilman Wegner Voting AYE.

AYES: 7
NAYES: 0

the cost or expense of such inspections and reinspections be a charge against the Town of Cheektowaga.

C. It shall be the duty of the Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all the provisions of this Code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, ordinances, and the Building Code as referred to in this Ordinance insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Cheektowaga upon the written request of an authorized official of the Town of Cheektowaga or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances, and equipment, in and on properties within the Town of Cheektowaga where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of Cheektowaga.

It shall be the duty of the Inspector to furnish written reports to the proper officials of the Town of Cheektowaga and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this Ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Town of Cheektowaga to the attention of the Building Inspector.

D. It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or power in, or on properties in the Town of Cheektowaga until an application for inspection has been filed with the New York Board of Fire Underwriters. It shall be a violation of this Ordinance for a person, firm or corporation to

connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate or a Certificate of Compliance, by the New York Board of Fire Underwriters.

E. The provisions of this Ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located out of doors or in buildings used exclusively for that purpose. This Ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

F. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Cheektowaga or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this Ordinance.

13-23 Applicability of Other Laws

Nothing in this Code shall be construed to modify or to prevent the application and enforcement of the Zoning Ordinance, Sewer Use Ordinance, Fire Code, or any other law which prescribes more restrictive limitations.

13-24 No Legalization Due to Delinquency

No oversight or dereliction of duty on the part of the Building Inspector or on the part of any employee of the Building Inspection Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building

or plumbing laws, ordinances or regulations, or that does not conform to the provisions of an application, plans or specifications on the basis of which a Building Permit or Plumbing Permit was issued, or that does not conform to the applicable provisions of the Zoning Ordinance.

13-25 Relief from Personal Responsibility

No official or employee of the Building Inspection Department shall, while acting pursuant to the provisions of this Ordinance be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

13-26 Severability

A. If a court of competent jurisdiction finds any provision of this Code invalid in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this Code shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision of this Code to any building, other structure or tract of land to be invalid in whole or part, the effect of such decision shall be limited to the person,

property or situation involved, and the application of any such provisions to any other person, property or situation shall not be affected.

13-27 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State's Office.

and

BE IT FURTHER RESOLVED, that within five (5) days of its adoption the Town Clerk will file a certified copy of the Local Law in his office, a certified copy with the State Comptroller, a certified copy with the State Division of Housing, and four (4) certified copies with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Attorney must certify that the text of the law is correct and that all legally required steps have been taken in passing the law, and BE IT FURTHER

RESOLVED, that this Local Law No. 1 of the Year 1979 shall take effect upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Upon roll call — Supervisor Meyers Voting AYE; Councilman Swiatek Voting AYE; Councilman Johnson Voting AYE; Councilman Dux Voting AYE; Councilman Kaczmarek Voting AYE; Councilman Burst Voting AYE; Councilman Wegner Voting AYE.

AYES: 7
NAYES: 0

ABSENT: 0 STATE OF NEW YORK COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 17, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 17th day of September, 1979.
(SEAL.)

Richard M. Moleski
Town Clerk

sept. 20

Item No. 7 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, this Town Board, at a regular meeting held on the 20th day of August, 1979, duly adopted a resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 4th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, for the purpose of considering the advisability of repealing the previously adopted "PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE" of the Town of Cheektowaga, enacted December 21, 1942, and

WHEREAS, notice of said public hearing was duly published as required by law, not less than ten (10) days prior to the date of the hearing, and

WHEREAS, pursuant to said resolution, a public hearing was held by this Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York on the 4th day of September, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, and at which hearing all parties in interest and citizens had an opportunity to be heard, and, at the conclusion thereof, this Town Board took the matter under advisement and has now determined that it is in the public interest to repeal the "PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE" of the Town of Cheektowaga, enacted December 21, 1942,

NOW, THEREFORE, BE IT RESOLVED, that the "PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE" of the Town of Cheektowaga, enacted December 21, 1942, shall be repealed on the 20th day following the adoption of the LOCAL LAW NO. 1 FOR THE YEAR 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE."

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

.....George J. Measer.....
being duly sworn, deposes and says that he is the
Publisher..... of the
Cheektowaga News....., a
public newspaper published at
Williamsville....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for ...1..... weeks, the first
insertion being on the 20th day of ...Sept.....
19..79., and the last insertion being on the same..
day of, 19..... .

Subscribed and sworn to before me this _____ 20th _____ day

of _____ Sept _____, 19 79 _____

Busan Schasee

Notary Public in and for Erie County

BUSAN SCHASEE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Form No. :

PROOF OF PUBLICATION



Publishers Of:

Lancee Bee Lancaster Enterprise
Cheektowaga Bee

101 STREET,
L.E. N.Y. 14221
2-4700

EXTRACTS FROM
MINUTES OF
CHEEKTOWAGA
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 Roads, in said Town on the 17th day of September, 1979 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

- PRESENT:
- Supervisor Kenneth J. Meyers
 - Councilman Frank E. Swiatek
 - Councilman Thomas M. Johnson, Jr.
 - Councilman Frank J. Dux
 - Councilman George Kaczmarek
 - Councilman James R. Burst
 - Councilman Donald J. Wegner

ABSENT: 0

Motion by Councilman Wegner, seconded by Councilman Johnson WHEREAS, this Town Board, at a regular meeting held on the 17th day of August, 1979, duly passed a resolution calling for a public hearing to be held at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 19th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, for the purpose of considering the advisability of repealing the previously adopted PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE of the Town of Cheektowaga, enacted December 21, 1942, and

WHEREAS, notice of said public hearing was duly published as required by law, not less than ten days prior to the date of the hearing, and

WHEREAS, pursuant to said resolution, a public hearing was held by this Town Board at the Cheektowaga Town Hall in the Town of Cheektowaga, New York on the 19th day of September, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, and at which hearing all parties in interest and persons had an opportunity to be heard, and, at the conclusion thereof, this Town Board took the matter under advisement and has now determined that it is in the public interest to repeal the PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE of the Town of Cheektowaga, enacted December 21, 1942.

NOW, THEREFORE, BE IT RESOLVED, that the PLUMBING AND DRAINAGE ORDINANCE AND THE BUILDING CODE of the Town of Cheektowaga, enacted December 21, 1942, shall be repealed on the 20th day of September, 1979, and the adoption of the LOCAL LAW NO. 1 FOR THE YEAR 1979 entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CONSTRUCTION CODE."

- Upon roll call -
- Supervisor Meyers Voting AYE
 - Councilman Swiatek Voting AYE
 - Councilman Johnson Voting AYE
 - Councilman Dux Voting AYE
 - Councilman Kaczmarek Voting AYE
 - Councilman Burst Voting AYE
 - Councilman Wegner Voting AYE
- AYES: 7

NOTARY PUBLIC
ABSENT: 0
STATE OF NEW YORK
COUNTY OF ERIE
I, RICHARD M. MOLESKI,
Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 17, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of September, 1979.

(SEAL)
Richard M. Moleski
Town Clerk
Sept. 20

George J. Measer
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 20th day of Sept.
1979, and the last insertion being on the same
day of , 19.

ST
CO
SUB
OBJ

Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 8 Motion by Councilman Burst, seconded by Councilman Wegner

WHEREAS, Eugene H. Reszel has applied for a rezoning from R-Residential District to RC-Restricted Business District on property located at 1607 Como Park Boulevard, Cheektowaga, New York, and being more particularly described as follows:

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 No. 67, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of Como Park Boulevard (as monumented by J.J. Straley, Civil Engineer and Surveyor) at a distance of five hundred and forty-five thousandths (500.045) feet (measured along said south line of Como Park Boulevard) from a point of intersection of said south line of Como Park Boulevard with the east line of Sturm Avenue, said point of beginning being also the northeast corner of land deeded by the Bellevue Land and Improvement Company to Rose Pietrzycki by deed recorded in Erie County Clerk's Office in Liber 4299 of Deeds at Page 558 on April 5, 1947; running thence southerly on a line parallel to the west line of Transit Road and along the east side of said lands so deeded to Rose Pietrzycki four hundred five and seventy-seven hundredths (405.77) feet more or less to the north line of lands deeded by the Bellevue Land and Improvement Company to Felix Czajkowski and Josephine Czajkowski his wife by deed dated December 16, 1941 and recorded in Erie County Clerk's Office in Liber 3210 of Deeds at page 373 on February 10, 1942; running thence easterly on a line at right angles to said west line of Transit Road and along the north line of said land so deeded to said Felix Czajkowski and Josephine Czajkowski his wife, one hundred thirty and eighty-six hundredths (130.86) feet more or less to the west line of lands deeded by the Bellevue Land and Improvement Company to Eugenia L. Reszel by deed recorded in Erie County Clerk's office in Liber 3568 of Deeds at page 392; running thence northerly on a line parallel to said west line of Transit Road and along Reszel west line four hundred eleven and thirteen hundredths (411.13) feet more or less to the south line of Como Park Boulevard; running thence westerly along the southerly line of Como Park Boulevard to the point or place of beginning,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 4th day of September, 1979 at 6:30 o'clock P.M. Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York, and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the said proposed rezoning may be detrimental to the surrounding property owners and residents, now, therefore, BE IT

RESOLVED that the proposed rezoning of the above described premises from R-Residential District to RC-Restricted Business District be and is hereby denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 9 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, Cheektowaga Cablevision, Inc. has made application to the Town of Cheektowaga for an amendment to its cable television franchise to provide for an increase in the monthly rate for basic cable service, and

WHEREAS, a public hearing pursuant to prior notice duly published as required by law has been held at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof, and

Item No. 9 Cont'd.

WHEREAS, the municipality has fully and adequately considered the application for rate increase;

NOW, THEREFORE, be it hereby resolved that the aforementioned application is granted and the franchise is amended as follows:

1. The monthly rate for basic cable television service is increased from \$7.50 to \$8.50 to be effective as follows:

a. The monthly rate shall be increased to \$8.00 effective December 1, 1979.

b. The monthly rate shall be increased to \$8.50 effective December 1, 1980.

2. No further increases in the monthly rate for basic cable service shall be permitted prior to December 1, 1981.

3. Implementation of the aforesaid increase in rates is contingent upon the prior approval of the New York State Commission on Cable Television.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 20 day of Sept., 1919 and ending on the _____ day of _____, 19____

Signed

^(ER)
James Charters
Sworn to before me, on the 21

day of Sept., 19____

Lillian A. Rorer
Notary Public

LILLIAN A. RORER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 28, 1921

**EXTRACTS FROM MINUTES OF
CHEEKTOWAGA 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 Roads, in said Town on the 17th day of September, 1979 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek

Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0

Motion by Supervisor Meyers Seconded by Councilman Swiatek
WHEREAS, Cheektowaga Cablevision, Inc. has made application to the Town of Cheektowaga for an amendment to its cable television franchise to provide for an increase in the monthly rate for basic cable service, and

WHEREAS, a public hearing pursuant to prior notice duly published as required by law has been held at which hearing an published as required by law has all persons interested in the subject thereof, and

WHEREAS, the municipality has fully and adequately considered the application for rate increase;

NOW, THEREFORE, be it hereby resolved that the aforementioned application is granted and the franchise is amended as follows:

1. The monthly rate for basic cable television service is increased from \$7.50 to \$8.50 to be effective as follows:

a. the monthly rate shall be increased to \$8.00 effective December 1, 1979.

b. The monthly rate shall be increased to \$8.50 effective December 1, 1980.

2. No further increases in the monthly rate for basic cable service shall be permitted prior to December 1, 1981.

3. Implementation of the aforesaid increase in rates is contingent upon the prior approval of the New York State Commission on Cable Television.

Upon roll call....

Supervisor Meyers	Voting AYE
Councilman Swiatek	Voting AYE
Councilman Johnson	Voting AYE
Councilman Dux	Voting AYE
Councilman Kaczmarek	Voting AYE
Councilman Burst	Voting AYE
Councilman Wegner	Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK

COUNTY OF ERIE

I, **RICHARD M. MOLESKI**, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York was duly held on September 17, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 9, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of September 1979.

Richard M. Moleski

Town Clerk

Item No. 10 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, this Town Board duly held a public hearing on the 4th day of September, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE South side: from the west curb line of NANTUCKET DRIVE W. to east curb line of UNION ROAD

Section 102 is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

ZOERB AVENUE North side: from the west curb line of NANTUCKET DRIVE W. to east curb line of UNION ROAD

Section 2. Time to take effect.

(a) This amendment shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA BEE a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Item No. 10 Cont'd.

Upon Roll Call.....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

Publishers Of:

**Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga Bee.**

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

.....George J. Measer.....
being duly sworn, deposes and says that he is the
Publisher of the
Cheektowaga News, a
public newspaper published at
Williamsville, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 20th day of Sept.
1979, and the last insertion being on the same
day of , 19.

Subscribed and sworn to before me this 20th day

of Sept, 19 79

Susan Schaser

Notary Public in and for Erie County

SUSAN SCHASER
SUSAN SCHASER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

PROOF OF PUBLICATION

ations Inc.

Amherst Bee

ence Bee Lancaster Enterprise
Cheektowaga Bee

deleting therefrom the following:
The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking.

ZOERB AVENUE, South side: from the west curb line of NAN-TUCKET DRIVE W. to the east curb line of UNION ROAD.

Section 102 is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking.

ZOERB AVENUE, North side: from the west curb line of NAN-TUCKET DRIVE W. to east curb line of UNION ROAD.

Section 2. Time to take effect.

(a) This amendment shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of this amendment which is subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial application.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depey and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA BEE a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon roll call - Supervisor Meyers Voting AYE

Councilman Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Dux Voting AYE

Councilman Kaczmarek Voting AYE

Councilman Burst Voting AYE

Councilman Wegner Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 17, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such

Of:

ence Bee Lancaster Enterprise
Cheektowaga Bee
STREET,
N.Y. 14221
2-4700

George J. Measer

being duly sworn, deposes and says that he is the Publisher of the

Cheektowaga News, a public newspaper published at

Williamsville, New York, that the

notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first insertion being on the 20th day of Sept.

19 79, and the last insertion being on the same

day of 19

I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 17th day of September, 1979.

(SEAL) Richard M. Moleski
Town Clerk
Sept. 20

Handwritten signature of George J. Measer

STATE OF NEW YORK
COUNTY OF ERIE

ss.

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 Roads, in said Town on the 17th day of September, 1979 at 7:30 o'clock P.M. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: 0
Motion by Councilman Johnson, seconded by Councilman Wegner.

WHEREAS, this Town Board duly held a public hearing on the 17th day of September, 1979 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.
That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE X
Parking, Standing and Loading
Section 102 is amended by

Subscr

of

Notary Public in and for Erie County

SUSAN SCHASEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1980

Item No. 11 Motion by Councilman Wegner, seconded by Councilman Johnson

BE IT RESOLVED that a Public Hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 1st day of October, 1979 at 7:00 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in the EXAMINER, on the 20th day of September, 1979; said amendment being set forth in the Notice of Hearing.

ARTICLE VIII

Stop and Yield Intersections

Section 80. Stop intersections designated shall be amended by adding the following:

The following intersection is designated as a stop intersection and a stop sign shall be erected on the following entrance street.

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
JUDITH DRIVE	North-south & east-west	THERESA DRIVE	Southbound	N.W. Corner

Section 81. Yield intersections designated shall be amended by adding the following:

The following intersection is designated as a yield intersection and a yield sign shall be erected on the following entrance street.

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Yields</u>	<u>Sign Location</u>
BERYL DRIVE	East-west	BERYL DRIVE (service road)	Northbound	S.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 102. Parking prohibited in designated locations is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations.

A. No parking this side or one-side parking.

FONDA DRIVE	North side:	from the west curb line of BEACH ROAD to a point 160 feet southwest of the west curb line of BEACH ROAD.
PEINKOFER DRIVE	North side:	from the east curb line of BALBACH DRIVE to a point 75 feet east of the east curb line of BALBACH DRIVE.
DUKE ROAD	North side:	from the west curb line of UNION ROAD to the terminus of DUKE ROAD.
SCHLENKER AVENUE	North side:	from the east curb line of UNION ROAD to the terminus of SCHLENKER AVENUE.
SCHUSTER AVENUE	West side:	from the east curb line of UNION ROAD to the north property line of 3330 UNION ROAD.

Item No. 11 Cont'd.

SCHUSTER AVENUE	North side:	from the west property line of 18 SCHUSTER AVENUE to the terminus of SCHUSTER AVENUE.
LEMOINE AVENUE	East side:	from the south curb line of BROADWAY to the north curb line of GRUNNER ROAD.
WALLACE AVENUE	East side:	from the south curb line of BROADWAY to the north curb line of GRUNNER ROAD.
GRUNNER ROAD	South side:	from the west curb line of KENNEDY ROAD to the east curb line of HARLEM ROAD.

Section 102 is amended by deleting the following:

C. No parking here to corner.

BERYL DRIVE	North side:	from the north curb of GENESEE STREET to No. 14 BERYL DRIVE.
-------------	-------------	--

Section 102 is amended by adding the following:

F. Miscellaneous parking signs.

No Stopping

BERYL DRIVE	West side & North side:	from the north curb line of GENESEE STREET to the west curb line of ELLWOOD DRIVE.
-------------	----------------------------	--

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: September 17, 1979

RICHARD M. MOLESKI
TOWN CLERK

Upon Roll Call....

AYES:	Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES:	0
ABSENT:	0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 20 day of Sept., 1927 and ending on the _____ day of _____, 19____

Signed James Charters
Sworn to before me, on the 21
day of Sept., 1927

William A. Angel
Notary Public

WILLIAM A. ANGEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 20, 1928

DATED: September 17, 1979

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 1st day of October, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 80. Stop intersections designated shall be amended by adding the following:

The following intersection is designated as a stop intersection and a stop sign shall be erected on the following entrance street.

Street, **JUDITH DRIVE**: Direction, North-south & East-West; Entrance Street, **THERESA DRIVE**: Traffic Stops, Southbound; sign Location, N.W. Corner.

Section 81. Yield intersections designated shall be amended by adding the following:

The following intersection is designated as a yield intersection and a yield sign shall be erected on the following entrance street.

Street, **BERYL DRIVE**: Direction, East-west; Entrance Street, **BERYL DRIVE**, [service road]; Traffic Yields, Northbound; sign Location, S.E. Corner.

ARTICLE X

Parking, Standing and Stopping

Section 102. Parking prohibited in designated locations is amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations.

A. No parking this side or one-side parking.

PONDA DRIVE, North side, from the west curb line of **BEACH ROAD** to a point 160 feet southwest of the west curb line of **BEACH ROAD**. **PERKOFER DRIVE**, North side, from the east curb line of **BALBACH DRIVE** to a point 75 feet east of the east curb line of **BALBACH DRIVE**. **DUKE ROAD** North side from the west curb line of **UNION ROAD** to the terminus of **DUKE ROAD**. **SCHLENKER AVENUE** North side from the east curb line of **UNION ROAD** to the terminus of **SCHLENKER AVENUE**. **SCHUSTER AVENUE** West side from the east curb line of **UNION ROAD** to the north property line of 3330 **UNION ROAD**. **SCHUSTER AVENUE** North side from the west property line of 18 **SCHUSTER AVENUE** to the terminus of **SCHUSTER AVENUE**. **LEMOINE AVENUE** East side from the south curb line of **BROADWAY** to the north curb line of **GRUNNER ROAD**. **WALLACE AVENUE** East side from the south curb line of **BROADWAY** to the north curb line of **GRUNNER ROAD**. **GRUNNER ROAD** South side from the west curb line of **KENNEDY ROAD** to the east curb line of **HARLEN ROAD**.

Section 102 is amended by deleting the following:

C. No parking here to corner **BERYL DRIVE** North side from the north curb of **GENESEE STREET** to No. 14 **BERYL DRIVE**

Section 102 is amended by adding the following:

F. Miscellaneous parking signs.
No Stopping
BERYL DRIVE West side & North side from the north curb line of **GENESEE STREET** to the west curb line of **ELLWOOD DRIVE**

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: September 17, 1979

RICHARD M. MOLESKI
Town Clerk

ERIN A. WATSON
County Clerk
Erie County
100 Exchange Street
Buffalo, NY 14203

Item No. 12 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga is interested in adopting an amendment to the Traffic Ordinance prohibiting the parking of vehicles on Town and County highways within the Town for a period longer than 24 hours, and

WHEREAS, it is necessary to obtain a permit from the County of Erie, Department of Public Works, Highway Division, covering those highways which are county roads, now, therefore, BE IT

RESOLVED that a permit is hereby requested from the County of Erie in regards to the prohibition of parking on county roads within the town for a period longer than 24 hours, and BE IT FURTHER

RESOLVED that the Supervisor be and is hereby authorized to execute a permit issued by the County of Erie, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to the County of Erie, Department of Public Works, Highway Division.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner.

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, an Agreement of Adjustment and Offer of Settlement has been received from the New York State Department of Transportation to acquire property needed in connection with the Amtrak Cheektowaga Station, and

WHEREAS, it is necessary that said Agreement of Adjustment be executed on behalf of the Town, now, therefore, BE IT

RESOLVED that the Supervisor be and is hereby authorized to execute said Agreement of Adjustment on behalf of the Town.

*See next few pages for copy of Agreement of Adjustment.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REAL PROPERTY DIVISION

OFFER OF SETTLEMENT AND SUMMARY
OF APPRAISED COMPENSATION

P.I.N. 5935.10.201 PROJECT Antrak Cheektowaga Station

MAP(S) 4 PARCEL(S) 4

TO: Town of Cheektowaga

AUG 29 1979

The State has had your property appraised to determine the amount of money necessary to compensate you for the land to be acquired or occupied and all legal damages caused to any remainder.

For your better understanding the following is a summary of the appraisal and the total amount offered as just compensation:

- | | |
|---|---------------------|
| 1. Direct Damages – Value of all that property within the taking area | \$ 1.00 P.W. |
| 2. Indirect Damages – Loss of value to remaining property outside the taking area | \$ |
| 3. Cost to Cure – See explanation below | \$ |
| 4. Rental Value of Temporary Occupancy | \$ |
| 5. Benefits to Remainder Property (Note: Benefits may only be offset against indirect damages.) | \$ |
| 6. Total Damages – Just Compensation | <u>\$ 1.00 P.W.</u> |

The following improvements within the appropriated area are included in item 1 above:

Portion of the bed of former Williamsville Rd.

Explanation of the cost to cure included in item 3 above:

None

The Right of Way Agent makes every effort to assist you in realizing all the benefits to which you are entitled. If you have any questions whatever, please contact him. His job is to serve you.

ROW 265a (8/71)

PIN 5935.10.201

AGREEMENT OF ADJUSTMENT

Project Amtrak Cheektowaga Station

Map No. 4 Parcel No(s) 4 County Erie

Map No. _____ Parcel No(s) _____ Town Cheektowaga

Map No. _____ Parcel No(s) _____ City or Village _____

THIS AGREEMENT, made this _____ day of _____, 19____, between

TOWN OF CHEEKTOWAGA
 Town Hall
 Broadway & Union
 Cheektowaga, New York

hereinafter referred to as "Claimant" and the COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK, hereinafter referred to as "the State," pursuant to Section 30 of the Highway Law and the Eminent Domain Procedure Law as amended,

WITNESSETH:

WHEREAS, pursuant to the aforementioned statute, the State is appropriating or has appropriated, for the purpose of the above identified project, certain property shown and described on the above designated map(s); and

WHEREAS, the Claimant was, at the time of said appropriation, the owner of the property affected by said appropriation or of some right, title or interest therein;

NOW, THEREFORE, it is understood and agreed by and between the parties as follows:

1. The compensation to be paid by the State for the total value of the property so appropriated and for all legal damages caused by such appropriation, including all damages incurred by virtue and during the pendency of said appropriation proceedings, and including all damages to the remainder of said affected property, if any, of which the appropriated area formed a part, whether caused by said appropriation or by the use of said appropriated property, excepting the aggregate value, if any, of claims hereinafter specifically excluded, is the sum of

ONE DOLLAR PAYMENT WAIVED

IN ADDITION (\$ 1.00 P.W.)

~~2. The Claimant waives all claims, if any, for the value of or damage to easements and appurtenant facilities for the construction, operation and maintenance of publicly owned or public service electric, telephone, telegraph, pipe, water, sewer and railroad lines.~~

3. The aforesaid compensation is to be paid hereunder only upon approval of this Agreement by the Comptroller of the State of New York and upon certificate of the Attorney General of the State of New York as required by law.

4. This Agreement is exclusive of the claims, if any, of persons other than owners of the appropriated property, their tenants, mortgagees and lienors, having any right or interest in any stream, lake, drainage and irrigation ditch or channel, street, road, highway, or public or private right of way, or the bed thereof, within the limits of the appropriated property or contiguous thereto.

5. This Agreement is also exclusive of claims, if any (other than the claim of Claimant), for the value of or damage to easements and appurtenant facilities for the construction, operation and maintenance of publicly owned or public service electric, telephone, telegraph, pipe, water, sewer and railroad lines.

6. The amount agreed upon herein as compensation shall be binding and conclusive on the parties in any action or proceeding with relation to the aforesaid appropriation as representing the total value of the property so appropriated, together with all legal damages caused by or consequent upon such appropriation, as aforesaid.

~~7. The State shall be liable for the value of or damage to easements and appurtenant facilities for the construction, operation and maintenance of publicly owned or public service electric, telephone, telegraph, pipe, water, sewer and railroad lines.~~

~~Supplement to the above agreement.~~

Item No. 13 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED that Joseph G. Sacco, Esq., Attorney at Law, with offices located at 22 Victoria Boulevard, Kenmore, New York 14214, be and is hereby retained to represent the Town of Cheektowaga in the pending Assessment Review Proceedings brought by the following petitioners:

John Lysiak, , Buffalo, New York
Assessment Roll Plot No. 36, Parcel No. 21, under
Map Cover No. 293, being Sublots Nos. 19 through 24,
said property particularly located at E3393 Union Road

and BE IT FURTHER

RESOLVED that his reasonable fees and expenses be paid by the Town,
and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to Joseph G. Sacco, Esq., together with copy of Notice of Application for Review of Assessment.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, continuous complaints have been received by the Town Board about the cleaning up of property located east of 315 Zoerb Avenue, Cheektowaga, New York (Acct. No. 3-810 - Map Cover 2194) and according to the Assessor's Office records is owned by Benderson Development Corp., Inc., with offices at 570 Delaware Avenue, Buffalo, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cleaning up the high weeds to prevent the premises from becoming a hazard to the health and safety of others, now, therefore, BE IT

RESOLVED, that pursuant to Article 4, Section 64, paragraph 5a of the Town Law of the State of New York, clean-up be commenced by the Town and any cost be assessed against the landowner hereinbefore described.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Wegner, seconded by Councilman Dux

WHEREAS, Joyce Lovett Dalton, an employee in the Building and Plumbing Department has requested a 30-day leave of absence without pay from September 24th through November 2nd, now, therefore, BE IT

RESOLVED that said Joyce Lovett Dalton, be and is hereby granted a 30-day leave of absence without pay.

Item No. 16 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 17 Military Leave of Absence for Cheektowaga Police Officer.
Item withdrawn.

Item No. 18 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, the Equipment Committee desires to consolidate the purchase of tires for all Town Departments, AND

WHEREAS, bids are required for various sizes of tires to be purchased for the Town for the October 1, 1979 to September 30, 1980 period, NOW, THEREFORE, BE IT

RESOLVED, that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders for tires for the Town of Cheektowaga, notice to be published in the EXAMINER, and BE IT FURTHER

RESOLVED, that the Town Board will meet on the 1st day of October, 1979 at 7:00 P.M., Eastern Daylight Saving Time, 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.

NOTICE TO BIDDERS

SEALED PROPOSALS will be received and considered by the Town Board of the Town of Cheektowaga on October 1, 1979 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road for the furnishing of tires for all vehicles of the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interests of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

RICHARD M. MOLESKI
TOWN CLERK

DATED: September 17, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA**

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 20 day of Sept., 1974 and ending on the _____ day of _____, 19____

(OK)

Signed James Charters
Sworn to before me, on the 21
day of Sept., 1974
Richard M. McLaughlin
Notary Public

LELAND A. ANGER,
Notary Public, State of New York
Qualified in this County
My Commission Expires March 20, 1981

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 1, 1979 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road for the furnishing of tires for all vehicles of the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interests of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

RICHARD M. MCLAUGHLIN
Town Clerk

Item No. 19 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, the Equipment Committee is in need of one (1) new dump truck for the Treatment Plant No. 5, AND

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE, BE IT

RESOLVED, that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said vehicle, notice to be published in the EXAMINER, and BE IT FURTHER

RESOLVED, that the Town Board will meet on the 1st day of October, 1979 at 7:00 P.M., Eastern Daylight Saving Time, 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.

NOTICE TO BIDDERS

SEALED PROPOSALS will be received and considered by the Town Board of the Town of Cheektowaga on October 1, 1979 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road for the furnishing of a dump truck for use by the Sewage Treatment Plant No. 5 of the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interests of the Town, or reject any and all bids.

By the order of the Town Board of the Town of Cheektowaga, Erie County, New York.

RICHARD M. MOLESKI
TOWN CLERK

DATED: September 17, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

AFFIDAVIT

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
CHEEKTOWAGA**

JAMES L. CHARTERS

being duly sworn, deposes and saith that he is the General Manager of the Examiner, a newspaper published once a week in the Town of Cheektowaga, County of Erie, State of New York, and that the notice, a printed copy of which is annexed, has been published in the Examiner, one in each week, commencing on the 20 day of Sept. 1979 and ending on the _____ day of _____, 19____

(CER)

Signed James Charters
Sworn to before me, on the 21
day of Sept. 1979

Lillian A. Angel
Notary Public

LILLIAN A. ANGEL
Notary Public, State of New York
Qualified in Erie County
By Commission Expires March 28, 1981

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 1, 1979 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road for the furnishing of a dump truck for use by the Sewage Treatment Plant #5 of the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interests of the Town, or reject any and all bids.

By the order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski

Town Clerk

DATED: September 17, 1979

Item No. 20 Motion by Councilman Johnson, seconded by Councilman Burst

BE IT RESOLVED that New York State Electric & Gas Corporation is hereby authorized to install 5 - 7000 lumen post top mercury luminaires at \$60.15 each in the Martinique Heights Subdivision, Part III (LeHavre and Barbados Drive) for an annual increase to the General Lighting District in the amount of \$300.75 in accordance with the attached proposal which is hereby made a part of this resolution.

*See next two (2) pages for copy of street lighting proposal.

September 5, 1979

**STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
MARTINIQUE HEIGHTS SUBDIVISION, PART III**

LeHavre Drive - 1
Barbados Drive - 4

Install 5 - 7000 lumen post top mercury luminaires @ \$60.15 ---- \$300.75
(see attached sketch)

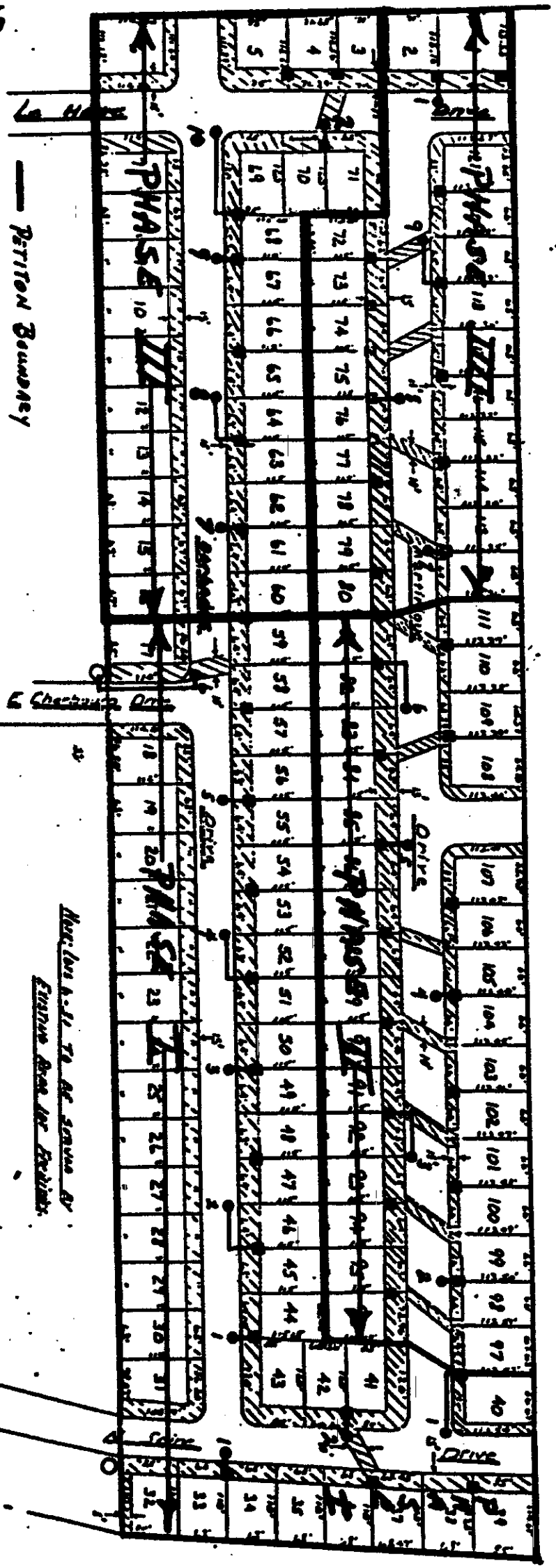
ANNUAL INCREASE ----- \$300.75

18-ft. standards and conductors to be supplied and installed by
developer, and owned & maintained by the Town of Cheektowaga

Luminaires, lamps, and controls to be supplied, installed, owned,
and maintained by New York State Electric & Gas Corporation

NEW YORK STATE ELECTRIC & GAS CORPORATION

153 153



- PETITON Boundary
- PROPOSED STREET LIGHTS
- HANDS ON TRANSDUCER LOCATIONS
- EXISTING WOOD POLES
- WIRE TO BE INSTALLED

MARTINOUE HEIGHTS

New York State Elec.
Gas Corp.
STREET LIGHTING
LAYOUT

Item No. 20 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Swiatek, seconded by Councilman Kaczmarek

WHEREAS, it is the intention of the Town Board of the Town of Cheektowaga to establish a Youth Service Project effective January 1, 1980, and

WHEREAS, the Town of Cheektowaga is about to submit an application for such project to the New York State Division for Youth for its approval, and if approved, to apply subsequently to the State of New York, for partial reimbursement of funds expended on said project, as provided by Chapter 636 of the Laws of 1956, as amended; now therefore, BE IT

RESOLVED that such application is in all respects approved and Kenneth J. Meyers, Supervisor, is hereby directed and authorized to duly execute and present said application to the New York State Division for Youth for its approval.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, it is the intention of the Town Board of the Town of Cheektowaga to establish a Youth Recreation Project effective January 1, 1980, and

WHEREAS, the Town of Cheektowaga is about to submit an application for such project to the New York State Division for Youth for its approval, and if approved, to apply subsequently to the State of New York, for partial reimbursement of funds expended on said project, as provided by Chapter 636 of the Laws of 1956, as amended; now therefore, BE IT

RESOLVED that such application is in all respects approved and Kenneth J. Meyers, Supervisor, is hereby directed and authorized to duly execute and present said application to the New York State Division for Youth for its approval.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Swiatek, seconded by Councilman Wegner

WHEREAS, it is the intention of the Town Board of the Town of Cheektowaga to establish a Youth Bureau Project, effective January 1, 1980, and

WHEREAS, the Town of Cheektowaga is about to submit an application for such project to the New York State Division for Youth for its approval, and if approved, to apply subsequently to the State of New York for partial reimbursement of funds expended on said project, as provided by Chapter 636 of the Laws of 1956, as amended; now therefore, BE IT

RESOLVED that such application is in all respects approved and Kenneth J. Meyers, Supervisor, is hereby directed and authorized to duly execute and present said application to the New York State Division for Youth for its approval.

Item No. 23 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that funds in the amount of \$1,736.26 be transferred from Account A.1990.480 (Contingency) to Account A.3120.420 (Police-Equipment and Supplies) in order to allow the purchase of revised parking violation tickets.

*See next page for fund transfer.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA, NEW YORK
BUDGET TRANSFER REQUEST

POLICE
 Department

SEPTEMBER 5, 1979
 Date

GENERAL Fund

FROM			TO	
Account	Title	\$	Account	Title
1990-480	CONTINGENCY	\$1,736.26	A3120-420	EQUIPMENT AND SUPPLIES-

Andrew DeFederico
 Signature

Explanation Transfer of funds is requested to pay for a large quantity of
a completely revised parking violation ticket. The fine has
been increased from a flat \$2.00 fine for any parking violation
to either \$7.00 or \$10.00, depending on the severity of the
offense.

The revenue derived from parking violation fines eventually
goes into the general fund. The amount appropriated from the
general fund for the initial investment to purchase the new
tickets will be reimbursed in a short period of time.

Item No. 25 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA prior to September 17th, 1979 be and the same are hereby approved and the Supervisor is ordered to pay same.

<u>FUND</u>	<u>CHECK NOS.</u>		<u>AMOUNT</u>
	<u>FROM</u>	<u>TO</u>	
GENERAL FUND	11701-12021		\$231,720.01
SPECIAL DISTRICT FUND	5616-5653		48,345.75
H.U.D. - N.P.P. FUND	113		504.00
H.U.D. - C.D.B.G. FUND	177-179		60,945.29
PART TOWN FUND	50-54		4,572.83
HIGHWAY FUND	4800-4827		35,223.85
TRUST & AGENCY FUND	700		21,293.35
CAPITAL FUND	243-246		21,801.75
FEDERAL REVENUE SHARING FUND	200-212		3,209.23
DEBT SERVICE FUND	59, 62		<u>-0-</u>
			<u>\$427,616.06</u>

Upon Roll Call.....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 26 Dr. Louis Vendetti - Health report for month of August, 1979. Item received and filed.

V. GENERAL COMMUNICATIONS

Item No. 27 R. Morgado, Secretary to Governor - Acknowledging receipt of resolution dated 8/27/79 re: Games of Chance Licensing Law. Item received and filed.

Item No. 28 Assemblyman Dennis Gorski - Acknowledging receipt of resolutions dated 8/27/79 re: Games of Chance Licensing Law. Item referred to Honorable Members of the Town Board and John V. Rogowski, Town Attorney; received and filed.

Item No. 29 N.Y.S. Dept. of Transportation - Notice of public hearings to be held 10/23/79 re: Reconstruction and widening of Como Park Boulevard Bridge; reconstruction and widening of Losson Road Bridge. Item referred to Honorable Members of the Town Board, Captain Robert Lis and Cheektowaga Traffic Safety Commission; received and filed.

Item No. 30 Erie County Dept. of Public Works - Notice of Closing Highway: Rowley Road (from Indian Road to Borden Road). Item published in the CHEEKTOWAGA BEE on Thursday, September 20, 1979; item referred to Honorable Members of the Town Board,

Item No. 30 Cont'd.

Captain Robert Lis and Cheektowaga Traffic Safety Commission; received and filed.

Item No. 31 Notice of Application for Review of Assessment - John Lysiak vs. Andrew Schwenk, Sole Assessor and Robert Winkelhoffer, Chairman of the Board of Assessment Review.

Item referred to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney and Andrew Schwenk-Sole Assessor; received and filed.

Item No. 32 Notice of Claim - George & Dorothy Boersma vs. Town of Cheektowaga. Item referred to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Ronald Marten-Building & Plumbing Inspector, Alfred Wnek-Highway Superintendent, Town Insurance Company; received and filed.

Item No. 33 Notice of Claim - Lisa Schmitt, Infant and Richard Schmitt vs. Town of Cheektowaga.

Item referred to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Ed Leak-Recreation Director, Town Insurance Company; received and filed.

Item No. 34 Notice of Claim - Paul M. Toms vs. Town of Cheektowaga.

Item referred to Supervisor Kenneth J. Meyers, John V. Rogowski-Town Attorney, Alfred Wnek-Highway Superintendent, Town Insurance Company; received and filed.

Item No. 35 Mrs. L.M. Carr, - Request payment from Town for expenses incurred relative to flooding conditions.

Item referred to John V. Rogowski--Town Attorney, Chester L. Bryan--Town Engineer, Ronald Marten--Building & Plumbing Inspector; received and filed.

Item No. 36 Residents of Westchester Drive - Correspondence relative to flooding conditions.

Item referred to Honorable Members of the Town Board, Chester L. Bryan-Town Engineer, Sewer Maintenance Department; received and filed.

Item No. 37 Residents of Monterey Lane - Petition regarding one-side parking on street.

Item referred to Honorable Members of the Town Board, Captain Robert Lis, Cheektowaga Traffic Safety Commission; received and filed.

Item No. 38 Mrs. N. Beiter, representing homeowners of George Urban Blvd. - Request Town Board action re: Curve in road over thruway overpass.

Item referred to Honorable Members of the Town Board, Captain Robert Lis, Cheektowaga Traffic Safety Commission; received and filed.

Item No. 39 D.P. Fatta, - Correspondence relative to traffic situation at Fremont St. and Como Park Blvd.

Item referred to Honorable Members of the Town Board, Captain Robert Lis, Cheektowaga Traffic Safety Commission; received and filed.

* * * * *

Motion by Councilman Johnson, seconded by Councilman Swiatek to Waive the Rules.

Waiver of Rules Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner
NAYES: 0
ABSENT: 0

VI. SUSPENSION OF RULES

Item No. 40 Authorization for Niagara Mohawk Power Corporation to remove and install street lights on Walden Avenue.

Motion by Councilman Johnson, seconded by Councilman Burst

WHEREAS, Walden Avenue is presently undergoing improvements under the Community Development Block Grant program, AND

WHEREAS, the Walden Avenue Revitalization Committee and the Walden District Taxpayers Association have requested the upgrading of street lighting along Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED that authorization is hereby given to Niagara Mohawk Power Corporation to remove 26 - 400 watt mercury vapor street lights on Walden Avenue, between Harlem Road and the Buffalo City Line, and replace said lights with 26 - 250 watt high pressure sodium lamps for an annual increase in the Town's General Lighting District of \$45.50, in accordance with the attached proposal which is hereby made a part of this agreement.

*See next page for street lighting proposal.

STREET LIGHTING PROPOSAL

TOWN OF CHEEKTOWAGA

WALDEN AVENUE - BETWEEN HARLEM ROAD AND BUFFALO CITY LINE

Remove 26 - 400 watt mercury vapor street lights -	\$ 2,970.50
Install 26 - 250 high pressure sodium street lights -	3,016.00
	<hr/>
ANNUAL INCREASE	\$ 45.50

per Niagara Mohawk Power Corporation
Mr. John Jakubowski
9/17/79

Item No. 40 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek,
Burst and Wegner

NAYES: 0

ABSENT: 0

Item No. 41 Motion by Councilman Kaczmarek, seconded by Councilman Dux
to adjourn the meeting.

RICHARD M. MOLESKI
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, corner of Broadway and Union Road, in said Town on the 24th day of September, 1979 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Thomas M. Johnson
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT: Councilman Frank E. Swiatek

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Joseph Schoelkoph, Deputy Town Attorney; T. DeFedericis, Chief of Police; Julia Reinstein, Town Historian; Ed Leak, Recreation Director; Sal LaGreca, Assistant Manpower Program Director I; Ron Zoeller, Working Foreman in the Sanitation Department; Alfred Wnek, Highway Superintendent; Ron Marten, Building and Plumbing Inspector; Chester Bryan, Town Engineer; Judge Henry Gabryszak.

I. BIDS

Item No. 2 New tires and tubes for Highway Department
This item was referred to Alfred Wnek, Highway Superintendent

Item No. 3 Rock Salt, Cinders and calcium for Highway Department
This item was referred to Alfred Wnek, Highway Superintendent

II. RESOLUTIONS

Item No. 4 Motion by Councilman Wegner, seconded by Councilman Kaczmarek

BE IT RESOLVED that a Public Hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 15th day of October, 1979 at 7:00 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA BEE on the 27th day of September, 1979; said amendment being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 15th day of October, 1979 at 7:00 o'clock P.M. Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE V

One-way Roadways

Section 50. One-way roadways.

Item No. 4 cont'd

BERYL DRIVE (SERVICE ROAD) is hereby designated for one-way traffic in a northerly direction, between its intersection with Genesee Street and its intersection with Beryl Drive.

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI
Town Clerk

DATED: September 24, 1979

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT - NEXT PAGE

PROOF OF PUBLICATION



Bee Publications Inc.

Publishers Of:

Amherst Bee Suburban Bee Clarence Bee Lancaster Enterprise
Depew Herald and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



.....George J. Measer.....
being duly sworn, deposes and says that he is the
.....Publisher..... of the
.....Cheektowaga News....., a
public newspaper published at
.....Williamsville....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for1..... weeks, the first
insertion being on the 27th day of Sept.....,
19 79, and the last insertion being on the same
day of, 19..... .

Subscribed and sworn to before me this 27th day
of Sept, 19 79

Notary Public in and for Erie County

Item No. 5 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, the Town Justices of the Town of Cheektowaga have recommended that certain provisions of the "TRAFFIC VIOLATIONS BUREAU" of the Town of Cheektowaga, New York also known as Ordinance No. 24, be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24) of the Town of Cheektowaga, New York, and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed changes was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 4th day of September, 1979 at 7:00 o'clock P.M., and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard; and

WHEREAS, it is in the public interest to adopt the recommended changes to the said "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24);

NOW, THEREFORE, BE IT RESOLVED, that the "TRAFFIC VIOLATIONS BUREAU" (Ordinance (Ordinance No. 24) of the Town of Cheektowaga, New York, be and the same hereby is, amended and changed as follows:

* See next two (2) pages for amendments

TRAFFIC VIOLATIONS BUREAU

AMENDMENTS

1. **RESOLVED** that Section 1 of the Traffic Violations Bureau which

reads:

"Pursuant to Article 14B - Sections 370, 371, 372, and 373 of the General Municipal Law, the Town Board of the Town of Cheektowaga hereby authorizes the Justice Court of the Town of Cheektowaga to establish a Traffic Violations Bureau to aid said Court in the disposition of traffic offenses when such offenses shall not constitute a traffic infraction known as speeding or a misdemeanor or felony and standing violations."

shall be amended by the repeal of the words "and standing violation

2. **RESOLVED** that Section 3 of the Traffic Violations Bureau which

reads, in part:

"Said Traffic Violations Bureau so established is authorized to dispose of traffic violations of traffic laws, ordinances, rules and regulations of the State or Local Laws . . ."

shall be amended by the repeal of the words "of the State or Local Laws."

3. **RESOLVED** that Section 4 of the Traffic Violations Bureau which

reads:

"Section 4 - Procedure

Whenever any motor vehicle owner, operator, chauffeur or driver shall be found by a Police Officer in violation of any traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony said police officer may affix a tag to said vehicle or serve a summons on said owner, operator, chauffeur or driver, which tag or summons shall contain a notice of the particular violation, directed to the said owner, operator, chauffeur or driver and require such person within twenty-four (24) hours to take said tag or summons to the Traffic Violations Bureau of the Town of Cheektowaga and give the name and address of the owner, operator, chauffeur or driver, who had charge of said vehicle at the time of the violation as stated in said notice and pay a prescribed sum to the person or persons in charge of the Traffic Violation Bureau of the Town of Cheektowaga; or on a form hereinafter prescribed, give the name and address of the owner, operator, chauffeur or driver who had charge of said vehicle at the time of the violation as stated in the said notice with a remittance payable to the Traffic Violations Bureau of the Town of Cheektowaga, for the prescribed sum which may be mailed to the Traffic Violations Bureau of the Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York.

If such person does not appear, send or mail the tag or summons and pay the prescribed sum within twenty-four (24) hours, a summons shall be issued for his appearance in the Justice Court of the Town of Cheektowaga to answer the charge.

Acceptance of the prescribed sum by the Traffic Violations Bureau of the Town of Cheektowaga shall be the offense, and the violator shall be given a receipt which so stated."

shall be repealed in its entirety and a new Section 4 be enacted to read as follows:

"Section 4 - Uniform Parking Complaint.

The Town Justices of the Town of Cheektowaga shall be authorized to prescribe the form of complaint in all cases involving a violation of any traffic law, ordinance, rule or regulation relating to parking, which complaint shall be known as 'Parking Violations Ticket.'"

4. RESOLVED that Section 6 of the Traffic Violation Bureau which

reads:

"The Justice Court shall designate the fines to be paid for offenses which may be satisfied by the bureau as hereinbefore stated, provided such fines are within the limit established for such offenses."

shall be amended by repeal of the words "by the bureau," and the substitution therefor of the words "at the Bureau."

5. RESOLVED that the first sentence of Section 7 of the Traffic Violations Bureau which reads:

"The Traffic Violations Bureau as herein authorized shall maintain a record of all fines collected and the disposition thereof."

shall be repealed in its entirety and a new first sentence be enacted to read as follows:

"The Traffic Violations Bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also maintain a record of all fines collected and the disposition thereof."

Item No. 5 cont'd

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on September 24, 1979, and that a certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24) of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their 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 their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

AFFIDAVIT - NEXT PAGE

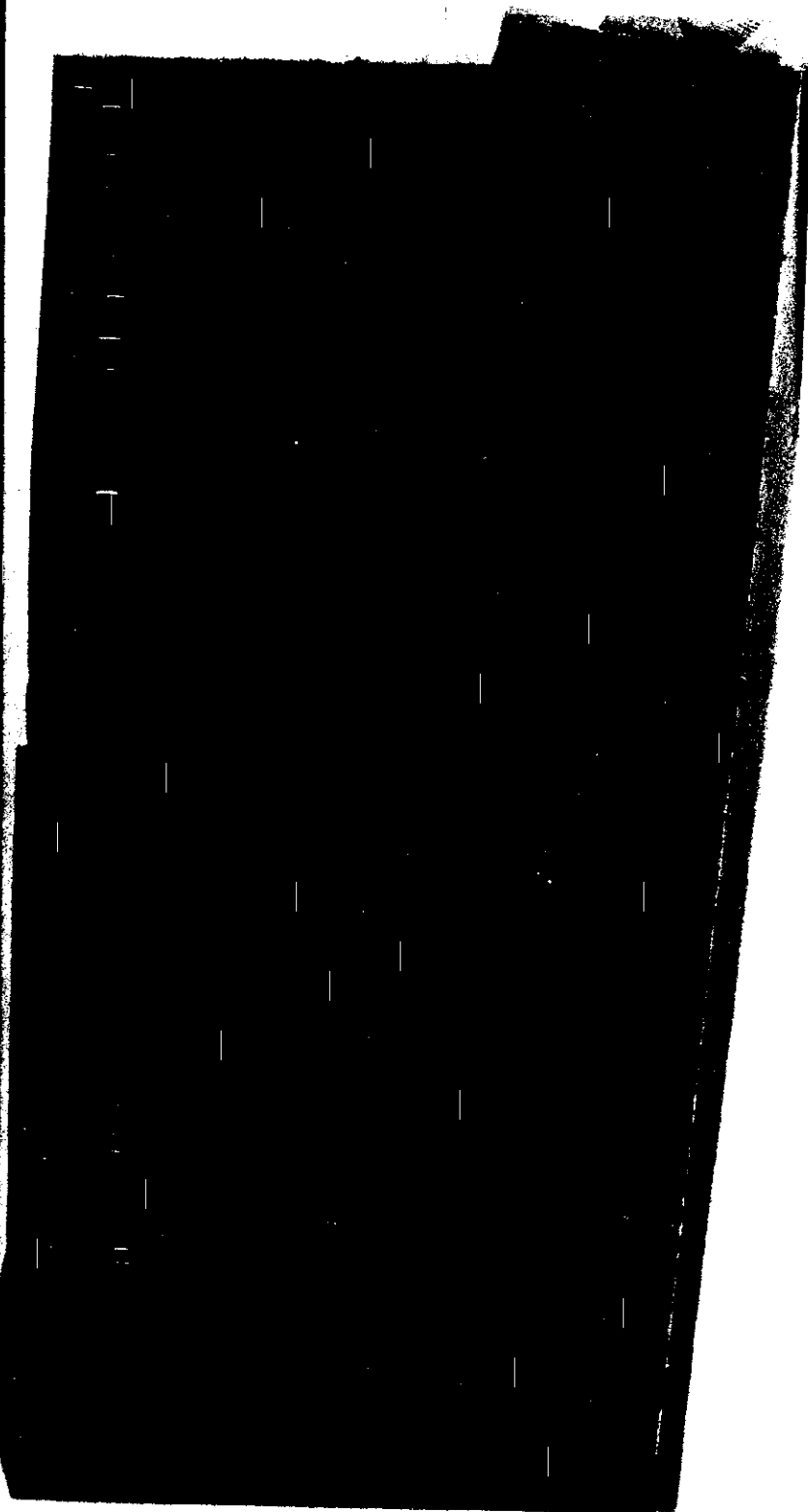
PROOF OF PUBLICATION

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WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700



.....George J. Measow.....
being duly sworn, deposes and says that he is the
.....Publisher..... of the
.....Cheektowaga News....., a
public newspaper published at
.....Williamsville....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for1..... weeks, the first
insertion being on the27th day ofSept.....,
19...79., and the last insertion being on the ...same...
day of, 19..... .

Subscribed and sworn to before me this _____ 27th _____ day
of _____ Sept _____, 19 79 _____

George J. Measow

Notary Public in and for Erie County

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PHONE: 632-4700

EXTRACTS FROM MINUTES OF CHEEKTOWAGA 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 Roads, in said Town on the 24th day of September, 1979 at 1:00 o'clock P.M. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilman Thomas M. Johnson, Jr.

Councilman Frank J. Dux,
Councilman George Kaczmarek
Councilman James R. Burst
Councilman Donald J. Wegner

ABSENT:

Councilman Frank E. Swiatek
Motion by Councilman Wegner, seconded by Councilman Johnson.

WHEREAS, the Town Justices of the Town of Cheektowaga have recommended that certain provisions of the "TRAFFIC VIOLATIONS BUREAU" of the Town of Cheektowaga, New York, also known as Ordinance No. 24, be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24) of the Town of Cheektowaga, New York, and gave due notice thereof as required by law; and

WHEREAS, a public hearing on said proposed changes was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 4th day of September, 1979 at 7:00 o'clock P.M., and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard; and

WHEREAS, it is in the public interest to adopt the recommended changes to the said "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24);

NOW, THEREFORE, BE IT RESOLVED, that the "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24) of the Town of Cheektowaga, New York, be, and the same hereby is, amended and changed as follows:

TRAFFIC VIOLATIONS BUREAU AMENDMENTS

1. RESOLVED that Section 1 of the Traffic Violations Bureau which reads:

"Pursuant to Article 14B — Sections 370, 371, 372, and 373 of the General Municipal Law, the Town Board of the Town of Cheektowaga hereby authorizes the Justice Court of the Town of Cheektowaga to establish a Traffic Violations Bureau to aid said Court in the disposition of traffic offenses when such offenses shall not constitute a traffic infraction known as speeding or a misdemeanor or felony and standing violations" shall be amended by the repeal of the words "and standing violation."

2. RESOLVED that Section 3 of the Traffic Violations Bureau which reads, in part:

"Said Traffic Violations Bureau so established is authorized to dispose of traffic violations of traffic laws, ordinances, rules and regulations of the State or Local Laws..." shall be amended by the repeal of the words "of the State or Local Laws."

3. RESOLVED that Section 4 of the Traffic Violations Bureau which reads:

"Section 4 - Procedure

Whenever any motor vehicle owner, operator, chauffeur or driver shall be found by a Police Officer in violation of any traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony said police officer may affix a tag to said vehicle or serve a summons on said owner, operator, chauffeur or driver, which tag or summons shall contain a notice of the particular violation, directed to the said owner, operator, chauffeur or driver and require such person within twenty-four (24) hours to take said tag or summons to the Traffic Violations Bureau of the Town of Cheektowaga and give the name and address of the owner, operator, chauffeur or driver, who had charge of said vehicle at the time of the violation as stated in said notice and pay a prescribed sum to the person or persons in charge of the Traffic Violation Bureau of the Town of Cheektowaga; or on a form hereinafter prescribed, give the name and address of the owner, operator, chauffeur or driver who had charge of said vehicle at the time of the violation as stated in the said notice with a remittance payable to the Traffic Violations Bureau of the Town of Cheektowaga, for the prescribed sum which may be mailed to the Traffic Violations Bureau of the Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York.

If such person does not appear, send or mail the tag or summons and pay the prescribed sum within twenty-four (24) hours, a summons shall be issued for his appearance in the Justice Court of the Town of Cheektowaga to answer the charge.

Acceptance of the prescribed sum by the Traffic Violations Bureau of the Town of Cheektowaga shall be the offense, and the violator shall be given a receipt which so stated" shall be repealed in its entirety and a new Section 4 be enacted to read as follows:

"Section 4 — Uniform Parking Complaint.

The Town Justices of the Town of Cheektowaga shall be authorized to prescribe the form of complaint in all cases involving a violation of any traffic law, ordinance, rule or regulation relating to parking, which complaint shall be known as "Parking Violations Ticket."

4. RESOLVED that Section 6 of the Traffic Violation Bureau which reads:

"The Justice Court shall designate the fines to be paid for offenses which may be satisfied by the bureau as hereinbefore stated, provided such fines are within the limit established for such offenses" shall be amended by repeal of the words "by the bureau," and the substitution thereof of the words "at the Bureau."

5. RESOLVED that the first sentence of Section 7 of the Traffic Violations Bureau which reads:

"The Traffic Violations Bureau as herein authorized shall maintain a record of all fines collected and the disposition thereof" shall be repealed in its entirety and a new first sentence be enacted to read as follows:

"The Traffic Violations Bureau

as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also maintain a record of all fines collected and the disposition thereof." and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on September 24, 1979, and that a certified copy thereof be published in the CHEEKTOWAGA BEE, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the "TRAFFIC VIOLATIONS BUREAU" (Ordinance No. 24) of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their 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 their passage and entry into the minutes.

Upon roll call —
Supervisor Meyers
Voting AYE
Councilman Swiatek
Voting ABSENT
Councilman Johnson
Voting AYE
Councilman Dux
Voting AYE
Councilman Kaczmarek
Voting AYE
Councilman Burst
Voting AYE
Councilman Wegner
Voting AYE
AYES: 6
NAYES: 0
ABSENT: 1

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI,
Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 24, 1979, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 5, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 24th day of September, 1979.

(SEAL)
Richard M. Moleski
Town Clerk
Sept. 27

CLASSIFIED
ADS
632-4712

J. Measor
deposes and says that he is the
cher of the
Cheektowaga News, a
paper published at
Williamsville, New York, that the
with the annexed printed slip taken from
is a copy, was inserted and published
week for 1 weeks, the first
on the 27th day of Sept.,
the last insertion being on the same
19.....

Item No. 6 Motion by Councilman Wegner, seconded by Councilman Burst

WHEREAS, the Town of Cheektowaga Building Code requires that all Building and Plumbing Permit fees shall be as specified in a fee schedule as approved by the Town Board, and

WHEREAS, it has been recommended that the following Building and Plumbing Permit fee schedule be adopted, and

WHEREAS, it is in the public interest to adopt the following Building and Plumbing Permit fee schedule, NOW, THEREFORE, BE IT

RESOLVED that the Building and Plumbing Permit fee schedule shall be as set forth below:

BUILDING AND PLUMBING PERMIT FEE SCHEDULE

Each application shall be accompanied by the required fee based upon the cost of the structure or improvement except where a specific fee is provided herein.

COMMERCIAL STRUCTURES

\$2.00 per thousand for the first \$50,000 valuation
\$1.00 per thousand over \$50,000.00 valuation
(Minimum fee \$25.00)

RESIDENTIAL STRUCTURES

\$2.00 per thousand for the first \$10,000 valuation
\$1.00 per thousand over \$10,000 valuation
(Minimum fee \$10,00)

MOVING OF BUILDINGS.	\$20.00
DEMOLITION	\$10.00
STORAGE TANKS.	\$25.00
SWIMMING POOLS	\$10.00
ADVERTISING SIGN	\$40.00
IDENTIFICATION SIGN	\$10.00
CERTIFICATE OF OCCUPANCY	\$10.00
(All building permit application fees shall include a \$10.00 non-refundable filing fee.)	
SEWER PERMIT	\$10.00
PLAN FILING FEE (COMMERCIAL)	\$10.00
PLAN FILING FEE (RESIDENTIAL).	\$ 5.00
FEE PER FIXTURE.	\$ 2.00
REINSPECTION FEE (ALL WORK).	\$ 5.00

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 7 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, the Housing Committee of the Erie and Niagara Counties Regional Planning Board has approved a U.S. Department of Housing and Urban Development Section 8 Family Housing Rental Assistance proposal for the Town of West Seneca, and

WHEREAS, said complex is intended to outlet and receive traffic solely at Garden Village Drive and French Road in the Town of Cheektowaga, and

WHEREAS, Cheektowaga storm drainage facilities serving the existing Garden Village Apartments would be inadequate for the proposed additional development, and

Item No. 7 cont'd

WHEREAS, the attached communications, from the Supervisor of the Town of Cheektowaga and various Town agencies, express objections to the proposed development based upon traffic safety, fire protection, drainage and sewerage, highway maintenance, and sound planning considerations, and

WHEREAS, the U.S. Department of Housing and Urban Development customarily solicits input from the Regional Planning Agency and the community in which such a development shall be located, but not necessarily the impact upon any contiguous community, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga hereby goes on record in opposition to the proposed development, known as Seneca Garden Apartments, ENCRPB Project No. #20-HUD-HR-220 (HUD Project No. NY-06-0027-003), and BE IT FURTHER

RESOLVED that the Town Board calls upon the U.S. Department of Housing and Urban Development to give full and deserved consideration to the attached documents and reject this proposal as constituted, and BE IT FURTHER

RESOLVED that certified copies of this resolution be submitted to Leo J. Nowak, Jr., Director, Erie and Niagara Counties Regional Planning Board, Northtown Plaza, 3103 Sheridan Drive, Amherst, New York, 14226 and to Boyd O. Barton, Director, Housing Division, U.S. Department of Housing and Urban Development, Buffalo Area Office, Suite 800, Statler Building, 107 Delaware Avenue, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

* See next nine (9) pages for letters from various departments

The
Town of
Cheektowaga



ERIE COUNTY, NEW YORK
TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

716-683-2200

KENNETH J. MEYERS
SUPERVISOR

September 11, 1979

Judy Sunshine, Planner
Eric & Niagara Counties Regional Planning Board
Northtown Plaza
3103 Sheridan Drive
Amherst, New York 14226

Dear Judy:

After reviewing the data you provided for the proposed Section 8 family housing complex in West Seneca, and referring the matter to various Town Departments for their review, the Town of Cheektowaga wishes to state the following remarks and concerns:

- 1) The disposition of any storm water generated by the proposed development must be made known. The Town wishes to receive further information relative to drainage plans for the site.
- 2) According to the information provided, it appears that the only ingress and egress to the proposed development is via Garden Village Drive in the Town of Cheektowaga. If this is the case, the Town believes this situation will result in serious traffic problems. The traffic volume on French Road is extremely heavy. Relative to Garden Village Drive, this is compounded by the close proximity of that thoroughfare to Union Road, another heavily utilized road. As traffic at the French Road - Garden Village Drive intersection is not controlled by a signal, negotiating at turn at that corner is both difficult and hazardous.

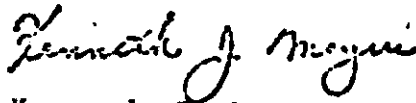
OFFICE OF THE SUPERVISOR

Supervisor Kenneth Meyers
September 11, 1979

- 3) With reference to the traffic situation, it also appears that the necessity of utilizing Garden Village Drive in Cheektowaga as the sole access route to the proposed development would provide a difficult and cumbersome route for fire, police and other emergency vehicles from the Town of West Seneca.

Based on inadequate information relative to plans for diverting storm waters, and on the conclusion drawn from data presented that Garden Village Drive will serve as the only access route to the proposed development, the Town of Cheektowaga recommends that action on the proposal be tabled until the concerns expressed are adequately and satisfactorily addressed by the developer.

Sincerely yours,



Kenneth J. Meyers
Supervisor

The
Town of
Cheektowaga



KENNETH J. MEYERS
SUPERVISOR

ERIE COUNTY, NEW YORK
TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

716-686-3465

M E M O

Date: September 5, 1979

To: Alfred Wnek, Highway Superintendent
Chief DeFedericis, Police Department
Chester Bryan, Town Engineer
Tony Osswald, Secretary Traffic Safety Commission

From: Supervisor Kenneth J. Meyers

Re: Section 8 Family Housing Complex - West Seneca

Enclosed is data relative to a Section 8 family housing complex which is being proposed for construction in the Town of West Seneca. The Erie & Niagara Regional Planning Board has requested our review and comments on the proposed action. Of particular concern is the fact that the proposed complex seems to be accessible only through a Cheektowaga street - Garden Village Drive..

Please review the enclosed information and forward your remarks to me as soon as possible. As the Regional Planning Board is asking the Town to respond by September 12th, I am asking you to give this matter your immediate attention and forward your comments to me by September 10th. Thank you.

KJM/df
Encs.

RECEIVED
SEP 26 1979
ERIE & NIAGARA COUNTIES
REGIONAL PLANNING BOARD

OFFICE OF THE SUPERVISOR

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: ~~686-3450~~
686-3450

ROBERT KARASZEWSKI
Deputy Superintendent



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

September 7, 1979

RECEIVED
SEP 10 1979
KENNETH J. MEYERS

TO: Supervisor Kenneth J. Meyers
FROM: Alfred F. Wnek, Superintendent of Highways
RE: Section 8 Family Housing Complex - West Seneca

As per your request, the following comments express my thoughts on the development of this complex.

1. This project will definitely generate a considerable amount of new traffic to an already dangerous intersection, due to the high volume of traffic on French Road. A left turn onto French Road from Garden Village Drive is almost impossible at certain times of the day.

2. Garden Village Drive presently serves as the only street in a large apartment complex - part of which is in West Seneca - traffic flows are significant.

3. The additional traffic will surely contribute to advance deterioration of our road. The construction traffic alone, can do significant damage to our road.

4. What municipal services will Cheektowaga have to provide? West Seneca presently does not service its portion of Garden Village Drive with much enthusiasm.

5. The storm waters could have some impact on our storm sewer capacity - depends on design.

6. The sanitary sewers are Erie County.

7. Greenfield Street in West Seneca is an obvious entry and exit street to this development. It is a direct access to Union Road. The north end of Greenfield Street seems to terminate at the property which will be developed.

"When better roads are built -- Cheektowaga will build them"

FRED F. WNEK
SUPERINTENDENT

OFFICE: ~~686-3450~~
686-3450

ROBERT KARASZEWSKI
Deputy Superintendent



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

September 7, 1979

RE: Section 8 Family Housing Complex - West Seneca
Page 2

8. If Greenfield Street cannot at this time be extended, or if the right-of-way is not now available, every effort should be made to acquire the necessary land so that access to this development will be totally available from West Seneca.

I am completely opposed to this plan.

Very truly yours,

TOWN OF CHEEKTOWAGA

Alfred F. Wnek
Superintendent of Highways

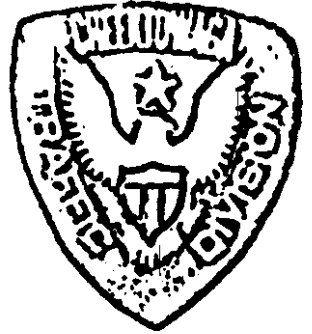
AFW/mss

Copies: T. R. Skowron, Highway Engineer
Files

"When better roads are built -- Cheektowaga will build them"



CHEEKTOWAGA POLICE
TRAFFIC DIVISION



Theo. DeFedericis - Chief

CAPT. ROBERT M. LIS
LT. WILLIAM TOWERY

3223 UNION ROAD
CHEEKTOWAGA, N.Y. 14227

PHONE: 686-3512

September 10, 1979

TO : KENNETH J. MEYERS
SUPERVISOR

FROM : CAPTAIN ROBERT M. LIS

SUBJECT : HOUSING COMPLEX - GARDEN VILLAGE DR.

SEP 10 1979
KENNETH J. MEYERS

I have reviewed the information you forwarded to the police department. I feel the addition of 102 units with an exit only from Garden Village Dr. onto French Rd. would create a serious traffic problem. I spoke to a resident of the Garden Village Apartments who claims that it is difficult entering French Rd. now because of the amount of traffic and the curved area from Garden Village to Union Rd.

As you may recall, a request for a signal control was made for French and Azalea Rd. due to the heavy amount of truck traffic. Azalea is just west and on the opposite side of French Rd. from Garden Village Dr.

This also appears to be a difficult route for the fire and first aid men from West Seneca.

Robert M. Lis
ROBERT M. LIS
Captain
Traffic Division

September 19, 1979

Erie & Niagara Counties Regional
Planning Board
3103 Sheridan Drive
Amherst, New York 14226

Re: Seneca Gardens

Gentlemen:

Cheektowaga Supervisor Kenneth Meyers has asked us to comment on the above noted Section 8 Family Housing Complex located in West Seneca. Please excuse our late reply, however, our Traffic & Safety Board meets only once a month.

At our September 18, 1979 meeting, the Board discussed the proposed action and wish to offer the following comments:

1. We are concerned about access to this development. Only one road provides ingress and egress, that being Garden Village Road, a Town of Cheektowaga street. We strongly recommend another access be constructed, possibly from Greenfield Avenue, which leads to Union Road, N.Y. 277.
2. This development will provide parking for 127 vehicles. Assuming 2 to 3 trips per day for each car plus visitors, school busses, delivery vehicles, service vehicles etc., there will be an additional heavy demand at the Garden Village Drive-French Road intersection. This intersection presently is a poor one, as it is on a curve on French Road. Sight distance to the west on French Road is poor and several serious accidents have occurred at this intersection to date.
3. The intersection noted in item 2 is presently controlled by a stop sign as it does not warrant a signal. Additional traffic generated by the proposed Seneca Gardens could lead to the demand for signal installation. If this happens, the Town of Cheektowaga will have to bear the brunt of the full cost for this signal installation. In 1979 dollars, this installation would cost \$35,000 to \$40,000. It is unfair to expect Cheektowaga to pay for this cost for a development not within its Town.

4. The Town of Cheektowaga, if a development such as this were being built there, would require at least two drives into the development for the safety of the residents. This would preclude anyone blocking a drive and preventing access by Police, Fire and Emergency Services.
5. This development is within the jurisdiction of the Union Volunteer Fire Co., located at Clinton Street and Union Road in West Seneca. To gain access for emergencies or fire, the fire company vehicles must take a circuitous route thru the Town of Cheektowaga to reach the development. Police services are similarly affected.

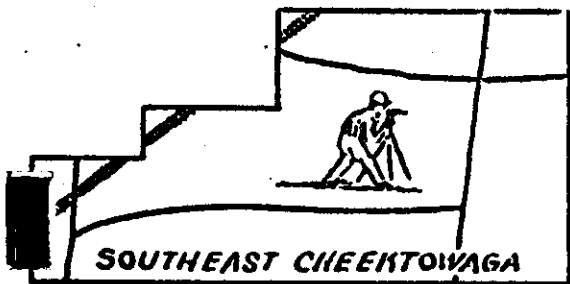
In summation, this Traffic Safety Commission is strongly against this development as presently laid out, due to the poor access being provided.

Yours truly,

Anthony W. Osswald
Executive Secretary

AWO:leo

cc: Kenneth Meyers
Tom Johnson ✓
Town Board
Alfred Wnek
Chief T. DeFedericis
Chester Eryan



SOUTH LINE FIRE DISTRICT NO. 10
BOARD OF FIRE COMMISSIONERS

1049 South French Rd. — South Cheektowaga, N. Y. 14227

September 20, 1979

The Erie & Niagara
Regional Planning Board
3103 Sheridan Drive
Amherst, New York 14226

Attention: Ms. Judy Sunshine

Re: Seneca Gardens Application
Project Mortgage Insurance

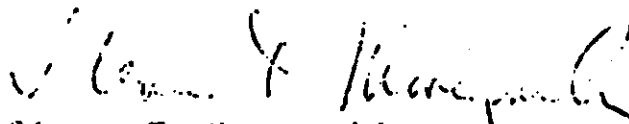
Dear Ms. Sunshine:

The Board of Fire Commissioners of South Line Fire District No. 10 objects to the approval of the application of Seneca Gardens to construct the complex as presently planned with only one (1) entry through Garden Village Drive totally in the Town of Cheektowaga. We have no objection if the main entry to the project was from Greenfield Drive in the Town of West Seneca. The objection is for firematic reasons only. It is objectionable for the Union Hose Company of West Seneca to answer an alarm of fire at the new complex and have to travel through another district in another Town. This would also apply to police calls.

The Chairman of the Board of Fire Commissioners of the Union Hose Company also expressed objection to me and would desire a direct path to the complex, all within the West Seneca highway system.

Very truly yours,

SOUTH LINE FIRE DISTRICT NO. 10


Steven T. Marcynski,
District Secretary

STM:mjh

Item No. 8 Resolution to E.C. Highway Department regarding George Urban Traffic Problem
This item was withdrawn.

Item No. 9 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, a bid was received by the Town Board at a meeting thereof held on September 17, 1979 for the purchase of six (6) new Voting Machines, as a result of advertisement therefor, and such bid was referred to the Town Clerk for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report has been completed, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of six (6) Automatic Voting Machines of the 9 party row, 30 office column size, manually operated, New York State type, equipped with Printed Return Mechanism, be awarded to Automatic Voting Machine Corporation, Jones & Gifford Avenue, Jamestown, New York 14701 at a total bid price of \$14,190.00 (\$2,365.00 per machine F.O.B. Jamestown, New York); said AVM Election Systems Division being the sole bidder, meeting all the requirements of the specifications.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 10 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, land developers must install water mains along the right-of-ways of new subdivisions, and

WHEREAS, fire hydrants must be installed by the subdivision before the Erie County Water Authority accepts these water main extensions as part of their water transmission system, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to the land developer to install five (5) hydrants in the South Line Fire District #10, the hydrant locations are approved by John Weigel, Chief of South Line Fire Company, the approved locations are in the Coatesworth Part 10 Subdivision as shown on Map Cover 2418.

Two (2) on Thornwood Drive (1) adjacent to Sublot #73
(2) adjacent to Sublot #63

Two (2) on Woodgate Drive (1) adjacent to Sublot #34
(2) adjacent to Sublot #43

One (1) on LeHarve Drive (1) adjacent to Sublot #6

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 11 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the Consulting Engineering firm of Nussbaumer and Clarke have submitted four (4) Change Orders on the Northeast Interceptor Project and recommend their approval, and

WHEREAS, each Change Order is defined and explained in a letter from the Town Engineer, dated September 21, and considered part of this resolution, NOW, THEREFORE, BE IT

RESOLVED that Change Order #13, Contract #1 as an addition to the contract cost in the amount of \$16,339.00 and Change Order #14, Contract #1, Change Order #10, Contract #2A and Change Order #3, Contract #2B with no change

Item No. 11 cont'd

to the contract cost of the Northeast Interceptor Project (C-36-323) of the Town of Cheektowaga Sewer District #5 Pollution Abatement Program with the Amadori Construction Company, Inc. be approved, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized to sign said Change Orders on behalf of the Town of Cheektowaga Sewer District #5.

* See next page for letter



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-686-3200

686-3448

September 21, 1979

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Northeast Interceptor
Change Orders

Gentlemen:

The attached resolution is submitted for your approval of four (4) Change Orders on the Northeast Interceptor Project of the Sewer District #5 Water Pollution Control Program.

Change Order #13, Contract #2 - Add \$16,339.00

This Change Order is an accumulation of five (5) field directives and one (1) drawing change to improve the project for security reasons, future maintenance service and employee safety. Field directive #4 was the major portion of this change at \$8,294.00 and included two hundred (200) feet of pipe to provide a future parking lot at the new Pump Station.

Change Order #14, Contract #1, Change Order #10, Contract #2A and Change Order #3, Contract #2B have no change to the contract price. These Change Orders are a request to extend the completion date of the project from September 30, 1979 to November 30, 1979.

The reason for the delay in completion of the project is the method of tunneling under the Niagara Mohawk power lines and various weather factors. The last one hundred (100) feet of the tunnel had to be hand chipped and excavated to comply to Niagara Mohawk Power requirements.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer


BY: Steven T. Marcynski
Sr. Engineer Assistant

CLB:STM:dar

Item No. 11 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 12 Motion by Supervisor Meyers, seconded by Councilman Dux

RESOLVED that Thaddeus Ruda, currently a CETA laborer, be and hereby is appointed to the permanent position of laborer, second shift, in the Sewer Maintenance Department, at his current rate of pay; said appointment effective September 25, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, the position of "Director of Personal Services" has recently been created, and

WHEREAS, interviews have been conducted of candidates who have applied for said position, NOW, THEREFORE, BE IT

RESOLVED that Ted Brayer, of Cheektowaga, New York, be and hereby is appointed to the position of "Director of Personal Services", at an annual starting salary of \$14,500.00; said appointment effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 14 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, this Town Board adopted a resolution creating the positions of two (2) Engineering Aides in the Engineering Department, and said positions were approved by the Erie County Personnel Office, and

WHEREAS, said positions were posted in accordance with the current agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that the following are hereby appointed to the position of "Engineering Aide:, provisionally, pending the outcome of a Civil Service Examination to be held at a later date, at the starting salary of \$12,130.54, said appointment effective on September 25, 1979;

Robert Skibniewski

Cheektowaga, New York 14206

Allan B. Blachowski

Cheektowaga, New York 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 15 Motion by Councilman Wegner, seconded by Councilman Johnson

WHEREAS, several members of the Traffic Safety Commission have terms expiring in September, 1979, and

WHEREAS, the Bylaws of the Traffic Safety Commission have been amended whereby appointments to the Traffic Safety Commission will be made in January of each year, and

WHEREAS, it is necessary that interim appointments be made to cover the period from September, 1979 to January, 1980, NOW, THEREFORE, BE IT

RESOLVED that the following interim appointments be and are hereby made to the Traffic Safety Commission:

Herbert G. Warsitz,	Cheektowaga, New York
James J. Makowski,	Cheektowaga, New York
David Metz,	Cheektowaga, New York
Richard Mirando,	Cheektowaga, New York
William Vogelsang,	Cheektowaga, New York

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: Councilman Swiatek

Item No. 16 Motion by Councilman Swiatek, seconded by Councilman Burst

BE IT RESOLVED that the following be hired to work for the Recreation winter program:

Rink Guards @ \$2.90 per hour

Norm Bitterman	Kathy Wardzinski
Dave Gasiewicz	Barbara Wojcik
Barry Hall	Joseph Wojcik
Dean Lach	
Mary Ratka	

Figure Skating Instructor @ \$10.00 per hour

Lise Woolrich

Recreation Attendants @ \$3.25 per hour

Larry Brownell	Don Wipperman
Melissa Prorok	Carol White
Barbara Fiorello	Maureen Schneider

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner

NAYES: 0

ABSENT: Councilman Swiatek

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Wegner

WHEREAS, the Criminal Justice program of Iona College is sponsoring a full day seminar on Fire and Arson investigation, Saturday, October 20, 1979 in Rochester, New York, and

WHEREAS, the Chief of Police has requested that Detective Walter Lorka and Detective Thomas Rowan be granted permission to attend said seminar, NOW, THEREFORE, BE IT

RESOLVED that Detective Walter Lorka and Detective Thomas Rowan be and hereby are granted permission to attend said seminar on Fire and Arson investigation on Saturday, October 20, 1979, and BE IT FURTHER

Item No. 17 cont'd

RESOLVED that their reasonable expenses incurred in attending said seminar be reimbursed by the Town, in a sum not to exceed \$35.00 each, which includes registration, luncheon and certificate.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 18 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, the Cheektowaga Youth Bureau has successfully completed its second Youth Conservation Corps Project, and

WHEREAS, the New York State Department of Environmental Conservation is conducting a working conference for all 1979 Youth Conservation Corps Project coordinators October 2nd through the 4th in March, New York, NOW, THEREFORE, BE IT

RESOLVED that Bonnie Przybylak and Michael Bernal, project coordinators for the Youth Conservation Corps program, are hereby authorized to attend said conference, and BE IT FURTHER

RESOLVED that they be reimbursed for reasonable travel expenses, not to exceed \$100.00. All other expenses are to be paid by the Department of Environmental Conservation.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, Patrol Officer Arthur Jankowski of the Cheektowaga Police Department has requested extended sick leave for medical reasons, and

WHEREAS, extended sick leave is permissible under the terms of the bargaining agreement, NOW, THEREFORE, BE IT

RESOLVED that Patrol Officer Arthur Jankowski, be and is hereby granted extended sick leave for a period of thirty (30) days, retroactive to September 15, 1979.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 20 Motion by Councilman Johnson, seconded by Councilman Wegner

WHEREAS, the Town of Cheektowaga has previously retained the law firm of Kavinoky, Cook, Hepp, Sandler, Gardner and Wisbaum to represent the Town in various condemnation proceedings, and

WHEREAS, the Town has recently informed that said firm is presently unable to continue the legal services in said proceedings due to additional and unexpected legal workloads, and

WHEREAS, said firm has asked that other legal counsel be retained in their stead and to be substituted as attorneys in the pending cases, THEREFORE, BE IT

Item No. 20 cont'd

RESOLVED that the law firm of Lipsitz, Green, Fahringer, Roll, Schuller and James, with offices located at 1 Niagara Square, Buffalo, New York 14292, be and hereby is retained to represent the Town in all the pending condemnation proceedings presently handled by Kavinoky, Cook, Hepp, Sandler, Gardner and Wisbaum, and BE IT FURTHER

RESOLVED that their reasonable disbursements and fees be paid by the Town.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 21 Motion by Councilman Johnson, seconded by Councilman Burst

WHEREAS, various officials of the Town of Cheektowaga have met with officials of the Niagara Frontier Transportation Authority on numerous occasions in the past for the purpose of establishing and negotiating charges to be assessed against the Niagara Frontier Transportation Authority for past sanitary sewer usage, treatment and proportionate cost of capital sewer improvements and for formulas and charges to be established for the future, and

WHEREAS, the Town of Cheektowaga has been undergoing a necessary and expensive capital improvement project which will greatly benefit the facilities and properties owned by the Niagara Frontier Transportation Authority, and

WHEREAS, it appears that after considerable effort on the part of the Town of Cheektowaga and its officials, an impasse has been reached and/or taxes for sewer improvements, usage and treatment, and

WHEREAS, it appears that no compromise may be reached in the immediate future, and the failure of the Niagara Frontier Transportation Authority to pay its proportionate share of the costs as aforesaid will result in higher sewer tax charges on other residents of the same sewer district; and it appears that specific action must be taken immediately in order to protect the rights and interests of the residents of the said sewer district and the town in general, NOW, THEREFORE, BE IT

RESOLVED that the firm of Lipsitz, Green, Fahringer, Roll, Schuller and James, with offices located at 1 Niagara Square, Buffalo, New York 14202, be and hereby is retained to undertake whatever legal proceedings are necessary to compel the Niagara Frontier Transportation Authority to pay its proportionate share of the capital sewer improvements, treatment and usage provided in its district, and BE IT FURTHER

RESOLVED that all reasonable legal fees and expenses shall be paid by the Town.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and Wegner
NAYES: 0
ABSENT: Councilman Swiatek

III. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Building Permits
This item was Received and Filed.

Item No. 23 Letter from Chief of Police T. DeFedericis terminating position of Court Liason Officer
This item was Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 24 N.Y.S. Dept. of Agriculture & Markets - Notice of public hearing regarding Dog License & Control
Copies were sent to: The Town Board; John V. Rogowski, Town Attorney
This item was Received and Filed.
- Item No. 25 E.C. Dept. of Environment & Planning - Notice of Hearing
Copies were sent to: The Town Board; Chester Bryan, Town Engineer;
Ron Marten, Building and Plumbing Inspector.
This item was Received and Filed.
- Item No. 26 Jefferson Ins. Co. of N.Y. - letter regarding Notice of Claim -
Dan Szczerva vs Town of Cheektowaga
Copies were sent to: Kenneth J. Meyers, Supervisor; John V. Rogowski,
Town Attorney; T. DeFedericis, Chief of Police; E.T. Clauss Insurance
Company
This item was Received and Filed.
- Item No. 27 SUMMONS & COMPLAINT - Margaret Heisler, Inc. and as part of Darren
Heisler vs Town of Cheektowaga
Copies were sent to: Kenneth J. Meyers, Supervisor; John V. Rogowski,
Town Attorney; Chester Bryan, Town Engineer; E.T. Clauss Insurance
Company
This item was Received and Filed.
- Item No. 28 SUMMONS & VERIFIED COMPLAINT - Barbara Wenk, Inc. and as mother
of Roland Wenk, Jr. vs Town of Cheektowaga
Copies were sent to: Kenneth J. Meyers, Supervisor; John V. Rogowski,
Town Attorney; Alfred Wnek, Highway Superintendent; E.T. Clauss
Insurance Company
This item was Received and Filed.
- Item No. 29 Letter from E. Widomski regarding standing water in approach
"apron" to driveway
Copies were sent to: The Town Board; Chester Bryan, Town Engineer;
Sewer Department.
This item was Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Burst, seconded by Councilman Wegner
to suspend the rules to include the following item:

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 30 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, the Town Board of the Town of Cheektowaga has determined
upon the recommendation of the Highway Superintendent and other department heads
that certain town-owned vehicles are no longer required for Town use and that such
items are surplus to the needs of the Town of Cheektowaga, and

WHEREAS, said surplus town-owned vehicles were offered for sale to
the highest bidders, and

WHEREAS, sealed bids were received and opened on September 21, 1979
at 12:00 o'clock noon Eastern Daylight Saving Time at the Town Clerk's Office,

Item No. 30 cont'd

Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, NOW, THEREFORE,
BE IT

RESOLVED that said surplus town-owned vehicles be and are hereby
sold to the highest bidders as shown on the list attached hereto and made a part
hereof.

* See next two (2) pages for list

<u>Highest Bidder</u>	<u>Vehicle</u>	<u>Amount</u>
Bliss Auto Wreckers Pike Road Bliss, NY 14024	1973 Bel Air 1K69K3T244813	\$179.50
Bliss Auto Wreckers Pike Road Bliss, NY 14024	1972 Bel Air 1L69H21226229	\$119.50
Bliss Auto Wreckers Pike Road Bliss, NY 14024	1975 Bel Air 1K45U51192358	\$349.50
Gary Ditzel 275 North 2nd Street Lewiston, NY 14092	1975 Bel Air 1K35U51194543	\$352.00
Joseph Carcione 88 Greenwood Street Lackawanna, NY 14218	1970 C/20 Pick-Up CE240F168068	\$250.00
Joseph Carcione 88 Greenwood Street Lackawanna, NY 14218	1972 Bel Air 1L69S21184521	\$150.00
Alden Trucks Ltd. 2731 Townline Road Alden, NY 14004	1971 Polara DL46K1D215876	\$66.00
Joseph Carcione 88 Greenwood Street Lackawanna, NY 14218	1972 Polara DL45K2D265066	\$150.00
Alden Trucks Ltd. 2731 Townline Road Alden, NY 14004	1971 Polara DE41K1D215878	\$62.00
Joseph Carcione 88 Greenwood Lackawanna, NY 14218	1971 Polara DE41K1D215877	\$125.00
Bliss Auto Wreckers Pike Road Bliss, NY 14024	1977 Gran Fury PK41P7D172471	\$349.50
Henry Lewandowski 166 Lackawanna Sloan, NY 14212	1977 Gran Fury PK41P7D172472	\$679.00
Lavender Hauling, Inc. 174 Broadway Road Darien, NY 14040	1972 Pick-Up B13305H326713	\$150.00

Highest Bidder

Vehicle

Amount

John Slisz
111 Ceil Drive
Cheektowaga, NY 14227

1977 Plymouth
PK41P7D172473

\$875.59

Jerry Imiola
42 Schlenker Avenue
Cheektowaga, NY 14225

1977 Plymouth
PK41P7D172477

\$631.00

Lavender Hauling, Inc.
174 Broadway
Darien, NY 14040

1975 Dodge Pick-Up
W24BF5S136900

\$2,250.00

Lavender Hauling, Inc.
174 Broadway
Darien, NY 14040

1968 Chev. Pick-Up
CS348F165644

\$700.00

Lavender Hauling, Inc.
174 Broadway
Darien, NY 14040

1974 Chev. Pick-Up
CCY2441167398

\$950.00

Item No. 30 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Johnson, Dux, Kaczmarek, Burst and
Wegner
NAYES: 0
ABSENT: Councilman Swiatek

Item No. 31 Motion by Councilman Kaczmarek, seconded by Councilman Dux
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk