

MEETING NO. 14
July 6, 1987

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 July 1987 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Bruce Chamberlin, Assistant Chief of Police; James Kirisits, Town Attorney; Sam LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Ronald Marten, Building Inspector; Michael Miecznikowski, Recreation Director; Raymond Pugh, Member of Cheektowaga Planning Board; Donald Wegner, Chairman of Zoning Board of Appeals; Alfred Wnek, Highway Superintendent; and Patricia Wojcik, Coordinator, Senior Services.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson Seconded by Councilman Santa Maria

WHEREAS, Mother of Divine Grace Parish has made application and requested a Rezoning from R-Residential District to RS-Senior Citizen Housing District on property located at 520 Maryvale Drive for Senior Citizen Housing, said applicant being the owner of above mentioned property, NOW, THEREFORE BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 20, 1987 at 6:30 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this^{9th}.....

day of July , 19..87..

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

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 20th day of July, 1987 at 6:30 o'clock, p.m., Eastern Daylight Savings Time of said day for the purpose of considering the application of Mother of Divine Grace to rezone from R Residence District to RS- Senior Citizen Housing District on property located at 520 Maryvale Drive 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 THAT TRACT OR PARCEL OF LAND located in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 26, Township 16, Range 7 of the Holland Land Company's Survey more particularly described as follows:

Commencing at a point in the north line of Maryvale Drive at the intersection of the west line of North Service Road, running northeast 54.8 feet along said road to a point; thence continuing northerly along said road 201.8 feet to a point, being the place of beginning; thence westerly making an interior angle of $39^{\circ}41'12''$, 245.03 feet to a point; thence northerly at right angles 142.60 feet to a point; thence easterly at right angles 244.25 feet to a point in the westerly line of said road; thence southerly along the westerly line of said road 142.60 feet to the point or place of beginning.

Reserving all rights in and to a gas well and gas lines located on the premises together with the right to enter on the property for the purpose of repairing said well and gas lines.

Reserving rights in and to the use of utility lines crossing the premises and serving other lands of the Grantor. An easement is hereby granted to the Grantor over utility lines owned by Grantor serving the above-described property and located on adjoining lands owned by the Grantor.

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 Daniel E. Weber

Councilmen

Thomas M. Johnson, Jr.

William P. Ragowski

Patricia A. Jaworski

Christopher J. Koval

Dennis H. Gabryszak

Rudy A. Santa Maria

RICHARD M. MOLESKI

Town Clerk

PUBLISH: July 9, 1987

Item No. 3A Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, Consolidated Fibres, Inc. has applied for a Special Permit for warehouse storage and baling of waste paper for recycling on property located at 485 Ludwig Avenue, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of June, 1987 at 6:30 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit provided all material products are confined to interior storage (exterior truck or semi-truck storage with material of any kind shall be prohibited), and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 485 Ludwig Avenue, and has rendered a determination that the Special Permit will not have a significant effect on the environment, provided:

1. there be no exterior storage of baled waste paper; and
2. there be no exterior storage of loaded semi-trailers.

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

LEGAL DESCRIPTION

This Special Use Permit Application is for 485 Ludwig Avenue, beginning at a point 267 feet in a northerly direction from the south side of the building and continuing 101.6 feet north. This area includes the total 150 feet from west to east.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... JUL 9 - 1987..... ;
last publication..... JUL 9 - 1987..... ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this^{9th}.....

day of^{July}....., 19⁸⁷..

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19⁸⁹

**LEGAL NOTICE
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 6th day of July, 1987 at 7:00 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

Supervisor Daniel E. Weber
Councilmen:

Thomas M. Johnson, Jr.
William P. Rogowski
Patricia A. Jaworowicz
Christopher J. Kowal
Dennis H. Gabryszak
Rudy A. Santa Maria

ABSENT: 0

Motion by Councilman Santa Maria
Seconded by Councilman Jaworowicz

WHEREAS, Consolidated Fibres, Inc. has applied for a Special Permit for warehouse storage and baling on waste paper for recycling on property located at 485 Ludwig Avenue, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga (Zoning Ordinance); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of June, 1987 at 6:30 o'clock pm, of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law, and all interested parties were given opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit provided all material products are confined to interior storage (exterior truck or semi-truck storage with material of any kind shall be prohibited), and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 485 Ludwig Avenue, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided:

1. there be no exterior storage of baled waste paper; and
2. there be no exterior storage of loaded semi-trailers.

NOW, THEREFORE, BE IT RESOLVED, that said Special Permit be and hereby granted subject to the aforementioned conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

This Special Use Permit Application is for 485 Ludwig Avenue, beginning at a point 267 feet in a northerly direction from the south side of the building (shown on attached Land Surveyor's drawing) and continuing 101.6 feet north. This area includes the total 150 feet from west to east.

Upon roll call...
Supervisor Weber

Voting AYE

Councilman:

Johnson	Voting AYE
W.P. Rogowski	Voting AYE
Jaworowicz	Voting AYE
Kowal	Voting AYE
Gabryszak	Voting AYE
Santa Maria	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 6, 1987, 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 3A 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 July, 1987.

RICHARD M. MOLESKI
Town Clerk

PUBLISHED: July 8, 1987

MEETING NO. 14
July 6, 1987

Item No. 3B Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, this Town Board held a public hearing on June 15, 1987 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) 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 amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
MAPLEVIEW ROAD	East-west	OEHRMAN BLVD.	Southbound	N.W. Corner
MAPLEVIEW ROAD	East-west	OEHRMAN BLVD.	Northbound	S.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

A. No parking this side or one-side parking

NAGEL DRIVE	East side	from the south curblin of Joseph Drive southerly to the north edge of the drive-way at house No. 64 Nagel Drive
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Section 2. Time to take effect.

(a) These amendments 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 these amendments which are 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

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

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Item No. 3B Cont'd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this 9th

day of July, 19 87

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19 89

LEGAL NOTICE
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 6th day of July, 1987 at 7:00 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
Supervisor Daniel E. Weber
Councilmen:

Thomas M. Johnson, Jr.
William P. Rogowski
Patricia A. Jaworowicz
Christopher J. Kowal
Dennis H. Gabryszak
Rudy A. Santa Maria

ABSENT: 0

Motion by Councilman Johnson
Seconded by Councilman Gabryszak

WHEREAS, this Town Board held a public hearing on the June 15, 1987 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) 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 amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 76-89. Stop intersections shall be amended by adding thereto the following:

Street; MAPLEVIEW ROAD; Direction; East-west; Entrance Street; OEHMAN BLVD.; Traffic Stops; Southbound; Sign Location; N.W. Corner

Street; MAPLEVIEW ROAD; Direction; East-west; Entrance Street; OEHMAN BLVD.; Traffic Stops; Northbound; Sign Location; S.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

A. No parking this side or one-sided parking NAGEL DRIVE; East side, from the south curbline of Joseph Drive southerly to the north edge of the driveway at house No. 84 Nagel Drive

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1884 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1884 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.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sleas.

Section 4. Publication.

That these amendments to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in The Cheektowaga TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call...

Supervisor	
Weber	Voting AYE
Councilmen	
Johnson	Voting AYE
W.P. Rogowski	Voting AYE
Jaworowicz	Voting AYE
Kowal	Voting AYE
Gabryszak	Voting AYE
Santa Maria	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 8, 1987, 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 38 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 8th day of July 1987.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 8, 1987

Item No. 4A Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, on June 1, 1987, a resolution authorizing a Notice to Bidders for Disposal of Solid Waste was adopted, and

WHEREAS, an Addendum to the Specifications was submitted by the firm of Barton and Loguidice, P.E. consulting engineers and land surveyors, regarding the date of Bid Opening, NOW THEREFORE, BE IT

RESOLVED that the Town Clerk of the Town of Cheektowaga be and he hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA TIMES, the official newspaper of the Town, and the BUFFALO CHALLENGER.

ADVERTISEMENT FOR BIDS

NOTICE TO BIDDERS

Notice is hereby given that sealed bids are sought and requested for:

CONTRACT NO. 1 -- DISPOSAL AT EXISTING RESOURCE RECOVERY FACILITY,
consisting of furnishing of long term disposal services at an existing permitted resource recovery facility for mixed municipal solid wastes.

CONTRACT NO. 2 -- DISPOSAL AT EXISTING SANITARY LANDFILL FACILITY,
consisting of the furnishing of long term disposal services at an existing permitted sanitary landfill for mixed municipal solid wastes, and/or bulky wastes, and/or incinerator ash residue and bypass wastes.

The waste to be disposed of will originate in the Town of Cheektowaga and other cooperating communities.

The Town of Cheektowaga, New York will receive sealed bids before its Town Clerk in the Council Chambers of the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York 14227, at 11:00 A.M., Eastern Daylight Savings Time, on the 21st day of July, 1987, and said bids will be opened at said time and place for the disposal of solid wastes which have been transported to the disposal facility by others, on the terms and conditions as stated in the Instructions to Bidders, the Bid proposal and the Solid Waste Disposal Agreement for the two contracts referenced above.

Copies of Contract No. 1 and Contract No. 2, each of which includes the Instructions to Bidders/Specifications/Bid Proposal/Solid Waste Disposal Agreement, may be obtained from the Cheektowaga Town Clerk upon deposit of fifty dollars (\$50.00) for each contract. Any bidder upon returning such contract in good condition within thirty (30) days of the date of receiving bids will be refunded his payment, and any non-bidder upon returning such contract in good condition will be refunded twenty-five dollars (\$25.00). Checks to obtain such contracts shall be made payable to the Town of Cheektowaga.

The bid must be accompanied by a Bid guaranty which shall be for the amount of \$25,000, and subject to the conditions provided in the Instructions to Bidders. No bidder may withdraw his bid within forty-five (45) days after the actual date of opening thereof.

No interpretation of the meaning of the Instructions to Bidders, Bid Proposal or Solid Waste Disposal Agreement will be made to a bidder orally. Every request for such interpretation should be made in writing, addressed to Barton & Loguidice, P.C., Consulting Engineers and Land Surveyors, Box 3107, 290 Elwood Davis Road, Syracuse, New York 13220 and, to be given consideration, must be received at least ten days prior to the date fixed for the opening of the bids.

These bids are for disposal service only. Waste transportation and hauling services are not a part of these contracts.

MEETING NO. 14
July 6, 1987

Item No. 4A Cont'd.

The Town of Cheektowaga reserves the right to reject any and all bids or bid alternates and is not bound to accept the lowest bid(s), but reserves the right to accept the bid(s) which, in its own opinion, is most advantageous to the Town, taking into account tonnage price, the Town's estimate of roundtrip travel costs from the Town to the Bidder's site, delays in dumping and/or transferring solid waste and site access.

TOWN BOARD
TOWN OF CHEEKTOWAGA

BY: RICHARD M. MOLESKI, Town Clerk

Date: July 6, 1987

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

SEE NEXT TWO PAGES FOR AFFIDAVITS OF PUBLICATION.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this^{9th}.....

day of^{July}....., 19⁸⁷..

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19⁸⁹

**LEGAL NOTICE
NOTICE TO BIDDERS
ADVERTISEMENT FOR BIDS**

Notice is hereby given that sealed bids are sought and requested for:

**CONTRACT NO. 1 - DISPOSAL AT EXISTING
RESOURCE RECOVERY FACILITY,**

consisting of furnishing a long term disposal services at an existing permitted resource

recovery facility for mixed municipal solid wastes.

**CONTRACT NO. 2 - DISPOSAL AT EXISTING
SANITARY LANDFILL FACILITY**

consisting of the furnishing of long term disposal

services at an existing permitted sanitary landfill

for mixed municipal solid wastes, and/or bulky

wastes, and/or incinerator ash residue and bypass wastes.

The waste to be disposed of will originate in the Town of Cheektowaga and other cooperating communities.

The Town of Cheektowaga, New York will receive sealed bids before its Town Clerk in the Council Chambers of the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York 14227, at 11:00A.M., Eastern Daylight Savings Time, on the 21st day of July, 1987, and said bids will be opened at said time and place for the disposal of solid wastes which have been transported to the disposal facility by others, on the terms and conditions as stated in the Instructions to bidders, the Bid proposal and the Solid Waste Disposal Agreement for the two contracts referenced above.

Copies of Contract No.1 and Contract No.2, each of which includes the Instructions to bidders/Specifications/Bid Proposal/Solid Waste Disposal Agreement, may be obtained by the Cheektowaga Town Clerk upon deposit of fifty dollars (\$50.00) for each contract. Any bidder upon returning such contract in good condition within thirty (30) days of the date of receiving bids will be refunded his payment, and any non-bidder upon returning such contract in good condition will be refunded twenty-five dollars (\$25.00). Checks to obtain such contracts shall be made payable to the Town of Cheektowaga.

The bid must be accompanied by a Bid guaranty which shall be for the amount of \$25,000, and subject to the conditions provided in the Instructions to bidders. No bidder may withdraw his bid within forty-five (45) days after the actual date of opening thereof.

No interpretation of the meaning of the Instructions to bidders, Bid Proposal or Solid Waste Disposal Agreement will be made to a bidder orally. Every request for such interpretation should be made in writing, addressed to Barton & Loquidice, P.C., Consulting Engineers and Land Surveyors, Box 2107, 290 Elwood Davis Road, Syracuse, New York 13220 and, to be given consideration, must be received at least ten days prior to the date fixed for the opening of the bids.

These bids are for disposal service only. Waste transportation and hauling services are not a part of these contracts.

The Town of Cheektowaga reserves the right to reject any and all bids or bid alternates and is not bound to accept the lowest bid(s), but reserves the right to accept the bid(s) which, in its own opinion, is most advantageous to the Town, taking into account tonnage price, the Town's estimate of roundtrip travel costs from the Town to the Bidder's site, delays in dumping and/or transferring solid waste and site access.

**TOWN BOARD
TOWN OF CHEEKTOWAGA
RICHARD M. MOLESKI
Town Clerk**

DATED: July 6, 1987

PUBLISH: July 9, 1987

897-0442

BUFFALO CHALLENGER NEWSWEEKLY

1303 FILLMORE AVE

BUFFALO, NEW YORK 14211

PROOF OF PUBLICATION AFFIDAVIT

STATE OF NEW YORK

)SS.

COUNTY OF ERIE)

Barbara Parks BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE IS
Publisher/Editor OF THE BUFFALO CHALLENGER NEWSWEEKLY, A NEWSPAPER
 PUBLISHED WEEKLY IN THE CITY OF BUFFALO, ERIE COUNTY, NEW YORK, AND
 THAT THE NOTICE, OF WHICH THE ANNEXED PRINTED SLIP, TAKEN FROM SAID
 NEWSPAPER, IS A COPY: WAS INSERTED AND PUBLISHED IN SAME ONCE A
 WEEK FOR 1 WEEK(S), BEGINNING ON THE 15th DAY OF
July AND ENDING ON THE 15th DAY OF
July 1987.

SWORN BEFORE ME THIS 30th DAY OF July 1987
Catherine M. Johnson

CATHERINE M. JOHNSON
 Notary Public State of New York
 Qualified in Erie County
 My Commission Expires April 28, 1989

**ADVERTISEMENT FOR BIDS
NOTICE TO BIDDERS**

Notice is hereby given that sealed bids are sought and requested for:

CONTRACT NO. 1 - DISPOSAL AT EXISTING RESOURCE RECOVERY FACILITY, consisting of furnishing of long term disposal services at an existing permitted resource recovery facility for mixed municipal solid wastes.

CONTRACT NO. 2 - DISPOSAL AT EXISTING SANITARY LAND FILL FACILITY, consisting of the furnishing of long term disposal services at an existing permitted sanitary landfill for mixed municipal solid wastes, and/or bulky wastes, and/or incinerator ash residue and bypass wastes.

The waste to be disposed of will originate in the Town of Cheektowaga and other cooperating communities.

The Town of Cheektowaga, New York will receive sealed bids for its Town Clerk in the Council Chambers of the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York 14227, at 11:00 A.M., Eastern Daylight Savings Time, on the 21st day of July, 1987, and said bids will be opened at said time and place for the disposal of solid wastes which have been transported to the disposal facility by others, on the terms and conditions as stated in the Instructions to Bidders, the Bid proposal and the Solid Waste Disposal Agreement for the two contracts referenced above.

Copies of Contract No. 1 and Contract No. 2, each of which includes the Instructions to Bidders/Specifications/Bid Proposal/Solid Waste Disposal Agreement, may be obtained from the Cheektowaga Town Clerk upon deposit of fifty dollars (\$50.00) for each contract. Any bidder upon returning such contract in good condition within thirty (30) days of the date of receiving bids will be refunded his payment, and any non-bidder upon returning such contract in good condition will be refunded twenty-five (\$25.00). Checks to obtain such contracts shall be made payable to the Town of Cheektowaga.

The bid must be accompanied by a Bid guaranty which shall be for the amount of \$25,000, and subject to the conditions provided in the Instructions to Bidders. No bidders may withdraw his bid within forty-five (45) days after the actual date of opening thereof.

No interpretation of the meaning of the Instructions to Bidders, Bid Proposal or Solid Waste Disposal Agreement will be made to a bidder orally. Every request for such interpretation should be made in writing, addressed to Barton & Loquidice, P.C., Consulting Engineers and Land Surveyors, Box 3107, 290 Elwood Davis Road, Syracuse, New York 13220 and, to be given consideration, must be received at least ten days prior to the date fixed for the opening of the bids.

These bids are for disposal service only. Waste transportation and hauling services are not a part of these contracts.

The Town of Cheektowaga reserves the right to reject any and all bids or bid alternates and is not bound to accept the lowest bid(s), but reserves the right to accept the bid(s) which, in its own opinion, is most advantageous to the Town, taking into account tonnage price, the Town's estimate of roundtrip travel costs from the Town to the Bidder's site, delays in dumping and/or transferring solid waste and site access.

**TOWN BOARD
TOWN OF CHEEKTOWAGA**
by **RICHARD M. MOLESKI**, Town Clerk

Item No. 4B Motion by Councilman Kowal Seconded by Councilman Gabryszak

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) New and Unused 1988 Model Medium-Duty Truck Fitted with a 12' Utility Body for use by the Cheektowaga Highway Department.

Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga NY 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on July 20th, 1987 in the Council Chambers of the Town of Cheektowaga.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on July 20th, 1987, at 11:00 A.M. for

ONE (1) NEW AND UNUSED 1988 MODEL MEDIUM-DUTY TRUCK FITTED WITH A 12' UTILITY BODY.

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga NY 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked "SEALED BID FOR ONE TRUCK W/ UTILITY BODY".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

Richard M. Moleski, Town Clerk

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for 1 weeks;
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this 9th

day of July , 19 87

..... *Cecelia Westoven*

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN THAT sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on July 20th, 1987, at 11:00A.M.

for
ONE (1) NEW AND UNUSED 1988 MODEL MEDIUM-DUTY TRUCK FITTED WITH A 12' UTILITY BODY.

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of the opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga NY 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked "SEALED BID FOR ONE TRUCK W/UTILITY BODY".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: July 9, 1987

Item No. 4C Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, this Town Board provided for the improvement of various Town highways under a three (3) year program utilizing the issuance of bonds for such purpose, AND

WHEREAS, the professional engineering firm of Pratt & Huth Associates, Consulting Engineers, was authorized to prepare plans and specifications for the Peinkofer Drive Drainage Improvements Project, AND

WHEREAS, the Highway Superintendent and the Town Engineer advised that said plans and specifications have been completed and recommend that bids be taken for the Peinkofer Drive Drainage Improvements Project, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Peinkofer Drive Drainage Improvements Project, said notice to be published in the BUFFALO NEWS and the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 20th day of July, 1987 at 11:00 A.M., Local Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

PEINKOFER DRIVE DRAINAGE IMPROVEMENT PROJECT
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 20th day of July, 1987 at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Peinkofer Drive Drainage Improvement Project, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Pratt & Huth Associates, Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Town Clerk of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Peinkofer Drive Drainage Improvement Project".

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this thirty (30) day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

MEETING NO. 14
July 6, 1987

Item No. 4C Cont'd.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 120 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI
Town Clerk

DATED: July 6, 1987

PUBLISHED: July 9, 1987

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

SEE NEXT TWO PAGES FOR AFFIDAVITS OF PUBLICATION

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this
day of July, 1987

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1987

**LEGAL NOTICE
NOTICE TO BIDDERS
PEINKOFER DRIVE DRAINAGE IM-
PROVEMENT PROJECT
TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 20th day of July, 1987 at 11:00A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Peinkofer Drive Drainage Improvement Project, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to bidders, etc., prepared by Pratt & Huth Associates, Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Documents, Plans, Specifications and Instructions to bidders may be examined at the office of the Town Clerk of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Peinkofer Drive Drainage Improvement Project".

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this thirty (30) day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with the law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such Certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 120 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

**BY ORDER OF:
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga**

**DATED: July 5, 1987
PUBLISHED: July 2, 1987**

W ALBERT
TOWN ENGINEER
TOWN OF CHEEKTOWAGA

Item No. 4D Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, this Town Board provided for the improvement of various Town highways under a three (3) year program utilizing the issuance of bonds for such purpose, AND

WHEREAS, the professional engineering firm of Donald Gallo, Consulting Engineer, was authorized to prepare plans and specifications for the Vale Drainage Improvement Project, AND

WHEREAS, the Highway Superintendent and the Town Engineer advised that said plans and specifications have been completed and recommend that bids be taken for the Vale Drainage Improvement Project, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Vale Drainage Improvement Project, said notice to be published in the BUFFALO NEWS and the CHEEKTOWAGA TIMES, AND BE IT FURTHER

RESOLVED that sealed bids will be received on the 20th day of July, 1987 at 11:00 A.M., Local Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

VALE DRAINAGE IMPROVEMENT PROJECT
PHASE II
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 20th day of July, 1987 at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Vale Drainage Improvement Project, Phase II complete in place, tested and ready to use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Donald Gallo, Consulting Engineer, for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Town Clerk of Cheektowaga, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Vale Drainage Improvement Project, Phase II".

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

The right to reject any and all bids, to waive any informalities in,

Item No. 4D Cont'd.

or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 150 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI
Town Clerk

DATED: July 6, 1987

PUBLISHED: July 9, 1987

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

SEE NEXT TWO (2) PAGES FOR AFFIDAVITS OF PUBLICATION

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this
9th

day of July, 1987

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
NOTICE TO BIDDERS
VALE DRAINAGE
IMPROVEMENT PROJECT
PHASE II
TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 20th day of July, 1967 at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Vale Drainage Improvement Project, Phase II complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to bidders, etc., prepared by Donald Gallo, Consulting Engineer for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Documents, Plans, Specifications and Instructions to bidders may be examined at the office of the Town Clerk of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Vale Drainage Improvement Project".

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this thirty (30) day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with the law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such Certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 150 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

**BY ORDER OF:
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga**

DATED: July 6, 1967

PUBLISHED: July 9, 1967

#2

State of New York

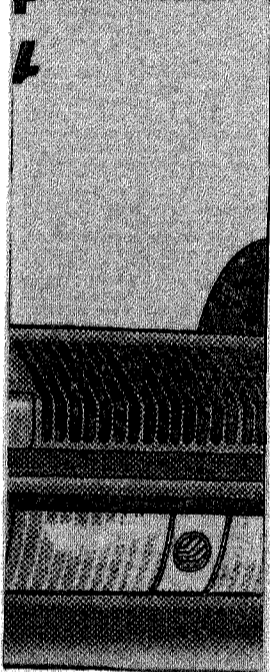
ERIE COUNTY
CITY OF BUFFALO

VALE DRAINAGE IMPROVEMENT PROJECT PHASE II

This Bid is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project pursuant to the provisions of the contract. THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.

The work shall be completed within 120 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of:
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga
Dated: July 6, 1987



D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that she is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein ONCE ~~and for~~ ~~works~~ ~~the~~

first insertion being on the 9th day of July 19 87 and the last insertion being on the ~~day~~

of ~~the~~
D. Eileen Perry

Sworn to before me this 9th day of July 19 87

Francis X. Vollmer Jr.
Notary Public, Erie County, N.Y.

FRANCIS X. VOLLMER JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 89

#2

State of New York

ERIE COUNTY
CITY OF BUFFALO

VALE DRAINAGE IMPROVEMENT PROJECT PHASE II TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 20th day of July, 1967, at 11:00 A.M. Local Time, in the Town Hall in the Town of Cheektowaga, New York for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Vale Drainage Improvement Project, Phase II, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Donald Gale, Consulting Engineers for the said project. Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Town Clerk of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Vale Drainage Improvement Project, Phase II". Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are hereby reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids. The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.

The work shall be completed within 150 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of:
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga
Dated: July 4, 1967

D. Eileen Perry

the City of Buffalo, New York, being duly sworn, deposes and says that she is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published herein once ~~as set forth in the attached schedule~~ and the last insertion being on the 9th day of July 1967 ~~and the last insertion being on the _____ day~~

D. Eileen Perry

Sworn to by _____ of _____

9th day

19 67

Francis X. Vollmer Jr.

FRANCIS X. VOLLMER JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 68

Notary Public, Erie County, N.Y.

MEETING NO. 14
July 6, 1987

Item No. 5A Motion by Councilman Rogowski Seconded by Councilman Kowal

WHEREAS, bids were received by the Cheektowaga Town Clerk and publicly opened and read on June 15, 1987, for bus transportation to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH from July 6, 1987 until August 14, 1987 for the Town of Cheektowaga, and

WHEREAS, such bid was referred to the Cheektowaga Youth Bureau for analysis, tabulation and report, on the said bid proposal, NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to the bidder:

Carrier Coach, Inc.
999 Rein Road
Cheektowaga, New York 14225

for a total bid price of \$9,750.00

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 5B Motion by Councilman Kowal Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a bid opening held on June 15th, 1987 for the furnishing of fuel, oil, lubricants, 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 bidders meeting specifications as set forth in the tabulation of the Superintendent of Highways, a copy of which is attached hereto and made a part hereof.

*SEE NEXT THREE (3) PAGES FOR COPY OF LETTER FROM HIGHWAY SUPERINTENDENT CONTAINING ANALYSIS, TABULATION AND REPORT.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: 686-3450



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

July 2, 1987

SUPERVISOR DANIEL E. WEBER
TOWN BOARD MEMBERS
CHEEKTOWAGA NY 14227

Re: Award of Bids - Lubricants,
Diesel Fuel, Various Oil, et

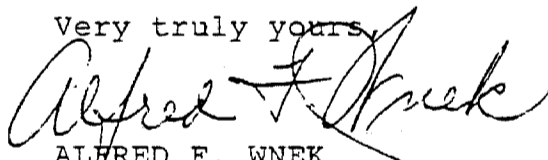
Dear Town Board Members:

On June 15, 1987, bids for diesel fuel, oil, lubricants etc. were opened by Richard Moleski, Town Clerk, and after careful consideration the following companies were awarded bids for various items effective July 6, 1987:

Superior Lubricants Inc., 32 Ward Rd, N. Tonawanda (14120)
American Lubricants Inc., 619 Bailey Avenue, Buffalo (14206)
Niagara Lubricants Inc., 105 Manitoba St., Buffalo (14206)
Noco Energy Corp., 700 Grand Island Blvd., Tonawanda (14150)
Kurk Fuel Co., 1276 Harlem Rd., Cheektowaga (14206)

Attached hereto, please find tabulation of bids submitted, circled items being awards made.

Very truly yours,


ALFRED F. WNEK
Highway Superintendent

erp

Encl. 1

cc: Town Board
Town Clerk
Town Attorney
Central Garage
Facilities
Sewer Dept.
Plant #5

"When better roads are built — Cheektowaga will build them"



1987 JUL -2 AM 11:13
RECEIVED
CHEEKTOWAGA
TOWN CLERK

AWARD OF BIDS for diesel fuel, oil,
lubricants etc.
Effective 7/6/87 thru 7/6/88

American Lub. Inc.
619 Bailey Ave.
No. 14206

827 - 8300

Superior Lub. Inc.
32 Ward Rd.
N. Tona. (14120
693 - 6050

Niagara Lub. Co.
105 Manitoba St.
14206

822-2300

Noco Energy Corp.
700 Gr. Isl. Blvd.

KEROSENE OIL	NO BID	\$.99 Gal.	\$1.19 Gal.	1.9
HYDRAULIC OIL #46AW R&O (Anti-Wear, Rust & Oxidation Resistance)	\$1.46 Gal. 80.30 Drum	\$1.48 Gal. 81.40 Drum	\$1.39 Gal. 76.45 Drum	1.7
MOTOR OILS: SAE 30-SF,CD (HEAVY DUTY MOTOR OIL) Meets Detroit Diesel Classification. Also used for Gas Engines.	\$1.99 Gal. 109.45 Drum	\$1.88 Gal. 103.40 Drum	\$1.82 Gal. 100.10 Drum	2.0
10w30 SF-CC used for gas engine, cars & pickups	\$1.82 Gal. 100.10 Drum	\$1.79 Gal. 98.45 Drum	\$1.89 Gal. 103.95 Drum	1.9
Reg SAE 30 SA-SB This is a non-detergent motor oil for use where additive oils are not required or desired.	\$1.69 Gal. 92.95 Drum	\$1.79 Gal. 98.45 Drum	\$1.43 Gal. 78.65 Drum	2.0
KENDALL 15w-40 Super D - API services SF, CC & CD Mack Specs EOK - EOK2.	\$1.79 Gal. 98.45 Drum	\$2.08 Gal. 114.40 Drum	\$1.93 Gal. 106.15 Drum	2.1
TRANSMISSION FLUID: ATF Dextron II	\$2.01 Gal. 110.55 Drum	\$1.99 Gal. 109.45 Drum	\$1.99 Gal. 109.45 Drum	2.1
GEAR OIL: DSL APGO 80/90 classification GL-5. This also covers Mack Truck Specs.	\$.30 lb. 120.00 Drum	\$.33 lb. 39.60 Drum	\$.34 lb. 40.80 Drum	42.0
DSL APGO 140 GL-5. Same as Above.	\$.30 lb. 120.00 Drum	\$.33 lb. 39.60 Drum	\$.34 lb. 40.80 Drum	42.0
MULTI-PURPOSE LUBE: A.P. GREASE LITHIUM #2 or as equal.	\$.48 lb. 192.00 Drum	\$.53 lb. 63.60 Drum	\$.56 lb. 67.20 Drum	63.6
LUBRIPLATE - Wheel Bearing Grease or equal.	\$.50 lb. 200.00 Drum	\$.55 lb. 66.00 Drum	\$.61 lb. 73.20 Drum	NO E
PERMANENT ANTI-FREEZE GM 6038 or as equal.	\$2.39 Gal. 131.45 Drum	\$2.29 lb. 125.95 Drum	\$2.49 Gal. 136.95 Drum	2.2
#2 DIESEL FUEL OIL Bid price per gallon delivered. No limit on number of gallons per delivery.	NO BID	\$.545 Gall	NO BID	\$.5
NOT LESS THAN PREMIUM-SUPER UNLEADED GASOLINE Bid price per gallon delivered. No limit on number of gallons per delivery.	NO BID	NO BID	NO BID	\$.7

\$17.00 Drum
Deposit

AWARD OF BIDS - Diesel fuel etc.
cont. Page 2

Allied Oil Co.
4545 River Rd.
Tona. 14150
879 - 8602

Davis Howland
200 Anderson Ave.
Rochester (14607)
716-473-6650

Kurk Fuel Co.
1276 Harlem Rd.
14206
892-0359

ROSENE OIL		\$2.13 Gal.	\$.98 Gal.
HYDRAULIC OIL #46AW R&O (Anti-Wear, Rust & Oxidation Resistance)		\$1.67 Gal. 91.85 Drum	
MOTOR OILS: SAE 30-SF,CD (HEAVY DUTY MOTOR OIL) Meets Detroit Diesel Classification. Also used for Gas Engines.		\$1.99 Gal. 109.45 Drum	
10w30 SF-CC used for gas engine, cars & pickups		\$2.05 Gal. 112.75 Drum	
Reg SAE 30 SA-SB This is a non-detergent motor oil for use where additive oils are not required or desired.		\$1.66 Gal. 91.30 Drum	
KENDALL 15w-40 Super D - API services SF, CC & CD. Mack Specs EOK - EOK2.		\$2.12 Gal. 116.60 Drum	
TRANSMISSION FLUID: ATF Dextron II		\$2.34 Gal. 128.70 Drum	
GEAR OIL: DSL APGO 80/90 classification GL-5. This also covers Mack Truck Specs.	NO BIDS SUBMITTED	\$.37 lb. 44.40 Drum	
DSL APGO 140 GL-5. Same as Above.		\$.39 lb. 46.80 Drum	
MULTI-PURPOSE LUBE: A.P. GREASE LITHIUM #2 or as equal.		\$.66 lb. 79.20 Drum	
LIPLATE - Wheel Bearing Grease or equal.		\$.68 lb. 81.60 Drum	
PERMANENT ANTI-FREEZE GM 6038 or as equal.		\$2.68 Gal. 147.40 Drum	
#2 DIESEL FUEL OIL Bid price per gallon delivered. No limit on number of gallons per delivery.	NO BIDS	No Bid	\$.5593 Gal.
NOT LESS THAN PREMIUM-SUPER UNLEADED GASOLINE Bid price per gallon delivered. No limit on number of gallons per delivery.		No Bid	\$.7063 Gal.

MEETING NO. 14
July 6, 1987

Item No. 6 Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, there is presently a vacancy in the position of Sergeant in the Police Department, and

WHEREAS, eligibles from the current civil service list have been canvassed and interviewed, and

WHEREAS, the Chief of Police has recommended that this Town Board promote Police Officer Eugene Leahy to the position of Sergeant, NOW, THEREFORE, BE IT

RESOLVED that Eugene Leahy, Cheektowaga, New York 14227 be and hereby is promoted to the position of Sergeant (2400 - 0800 shift), effective immediately, at a salary in accordance with the current collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 7A Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, in December of 1986, Gerard Dibble was appointed to the probationary position of Detective in the Cheektowaga Police Department, and

WHEREAS, Section 6.09 of the collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc. requires that such probationary job classification shall be made permanent at the end of six months, and

WHEREAS, Gerard Dibble has satisfactorily completed his probationary term as Detective, NOW, THEREFORE, BE IT

RESOLVED that Gerard Dibble be and hereby is appointed to the permanent position of Detective in the Police Department, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 7B Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, there are presently vacancies in the position of Police Officer in the Cheektowaga Police Department, and

WHEREAS, the Chief of Police has interviewed candidates from the current civil service list for Police Officer and has recommended that the individuals named below be appointed as Police Officers, NOW, THEREFORE, BE IT

RESOLVED that the following named individuals be and hereby are appointed to the position of Police Officer in the Cheektowaga Police Department, effective July 27, 1987, at a salary in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc.:

Wasvl Potienko	Thomas Rogers
Sloan, New York 14212	Cheektowaga, New York 14206
William Nagel	Paul Batt
Cheektowaga, New York 14225	Cheektowaga, New York 14225

Item No. 7B Cont'd.

Donald Pecyne

Cheektowaga, New York 14227

and, BE IT FURTHER

RESOLVED that the appointment of such individuals shall be contingent upon them satisfactorily completing their physical examinations.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 7C Motion by Councilman Gabryszak Seconded by Councilman Kowal

WHEREAS, the position of Welder in the Central Garage was duly posted in accordance with the Collective Bargaining Agreement between the Town and the Town of Cheektowaga Employees' Association, and

WHEREAS, no union employee bid on such job opening, and

WHEREAS, Kenneth Wierzbowski applied for such position and meets all of the qualifications for such position, NOW, THEREFORE, BE IT

RESOLVED that Kenneth Wierzbowski, Cheektowaga, New York 14227, be and hereby is appointed to the position of Welder in the Central Garage, effective immediately, at a salary in accordance with the agreement between the Town and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 7D Motion by Councilman Gabryszak Seconded by Councilman Kowal

WHEREAS, a vacancy exists in the Town of Cheektowaga Department of Sanitation for the position of Laborer, AND

WHEREAS, this vacancy has been properly posted in accordance with the bargaining agreement between the Town of Cheektowaga and the Cheektowaga Employees Association, and

WHEREAS, Robert Malicki, Cheektowaga, New York was serving as a Laborer in the Highway Department, NOW, THEREFORE, BE IT

RESOLVED that Robert Malicki, having properly bid on the above mentioned vacancy, be and hereby is appointed to the position of Laborer in the Sanitation Department, at a salary in accordance with the bargaining agreement between the Town of Cheektowaga and the Cheektowaga Employees Association; said appointment effective June 17, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 7E Motion by Councilman Johnson Seconded by Councilman Kowal

WHEREAS, by resolution dated June 15, 1987, this Town Board created

Item No. 7E Cont'd.

the position of Cleaner in the Facilities Department, and

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town and the Town Employees' Association, and

WHEREAS, no union employees bid on such job opening, and

WHEREAS, Joseph P. Stallone, a seasonal employee in the Facilities Department, applied for such job and has the experience for such position, and

WHEREAS, the State Education Department has certified Joseph P. Stallone as being eligible to be hired under the provisions of Section 55-a of the Civil Service Law of the State of New York, and

WHEREAS, the hiring of Joseph P. Stallone would also be in concert with the Town's Affirmative Action Policy, NOW, THEREFORE, BE IT

RESOLVED that Joseph P. Stallone, Cheektowaga, New York 14225, be and hereby is appointed as a Cleaner (Mon. - Fri. 3:00 P.M. - 11:00 P.M.) in the Facilities Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employees' Association.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 8A Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

<u>PARKS DIVISION - #01-00711-0-1491-001</u>	<u>EFFECTIVE</u>
Bruce Blachowski	7/21/87
Felix Lampke	7/25/87
Dale Matecki	7/20/87
Charles Roberto	Immediately
Timothy Filonczuk	Immediately

<u>STREET LIGHTING DIVISION 02-905182-1-0-1492-001</u>	
Joseph Coffta	7/25/87
Fran Strong	7/25/87
Conrad Scharmach	Immediately

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 8B Motion by Councilman Kowal Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal Employees in the Departments as listed:

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION</u> Leroy Linkner	7/17/87
<u>COMMUNITY DEVELOPMENT</u> Gina Browning	Immediately
<u>TOWN CLERK'S OFFICE</u> Pamela Bochinski	6/19/87

Item No. 8B Cont'd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9A Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1987 summer program:

Parks Division - #01-007110-1-0-1491-001 - \$3.35 per hour Effective

Earl Scherer	Immediately
Donald Clark	Immediately
William Dillemath	Immediately
Doug Mol	Immediately
Kevin Przepiora	Immediately

Street Lighting Division - #02-905182-1-0-1492-001 - \$3.35 per hour

David Nowicki	Immediately
Robert Whelan	Immediately

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9B Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following be hired retroactive to June 22, 1987, to aid the Cheektowaga Recreation Department in conducting its 1987 summer programs:

BASKET CHECKERS - \$2.50 per hour - A7180.1901

William Galuszka
Joseph LaCorte
Beth Lukas
Thomas Mulcahy
James Schreiner, Jr.
Scott Zelasko
Jim Zoizack
Amber Dunn
Tim Anderson

RECREATION ATTENDANTS - \$3.35 per hour - A7140.1614

Remy Jakson
Timothy McGuire
Helen Block

CLEVELAND HILL SCHOOL SUPERVISOR - \$5.00 per hour A7140.1615

Tony Molino

FURTHER, BE IT RESOLVED that the above personnel be terminated effective September 8, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

MEETING NO. 14
July 6, 1987

Item No. 9C Motion by Councilman Gabryszak Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-Time Employees in the various departments and at the rates listed:

	<u>Effective</u>
<u>MAIN PUMP STATION - Part-time Clerical - \$3.35 Per hour</u>	
Teri Burst	Immediately
<u>COMMUNITY DEVELOPMENT - Part-time Clerical - \$3.35 per hour</u>	
Holly Biedron	6/29/87
<u>COUNCIL OFFICE Part-time Clerical - \$3.35 per hour</u>	
Ann Marie Wojciechowski	6/24/87
<u>SEWER MAINTENANCE - Seasonal - \$3.35 per hour</u>	
Gregory Langl	6/29/87
James McElligott	Immediately
Peter Kopera	Immediately
<u>SANITATION DEPARTMENT - Part-time - \$5.00 per hour</u>	
Christopher Klyczek	As needed
Ronald Sobocinski	As needed
Kevin Trietly	As needed
Roger Buczek	As needed
Daniel Olejniczak	As needed
Barry Connors	As needed
David Montfort	As needed

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9D Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individual be hired as a substitute Nutrition Site Manager at an hourly rate of \$4.25 per hour:

Doris Yea
Cheektowaga, NY 14225

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following individual be terminated, due to her resignation, effective immediately:

Recreation Supervisor - Counselor (III) - \$3.50 per hour (7310.1802)
Nancy Giorgini 14225

Item No. 10 Cont'd

BE IT FURTHER RESOLVED that the following individuals be hired at the designated titles and salaries, effective immediately:

DEVELOPMENTALLY DISABLED DAY CAMP - 7310.1802

Recreation Attendants - Counselor I - \$3.00 per hour

Lynda Diemert 14225
Robin Straker 14225

Recreation Attendant - Counselor II - \$3.35 per hour

Paul Marchewka 14227

CONSERVATION CORPS PROGRAM - SUMMER TRAINEES - \$3.35 per hour 7310.1812

Tammy Bochinski 14225
Terrance Buchwald 14043
Marc Stolinski 14206
Kevin Wisniewski 14227
Suzanne Kusmierczyk 14227

ADMINISTRATIVE INTERN PROGRAM - 7310.1804 - \$4.00 per hour

Susan Switalski 14225
Patty Bubar 14225

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11A Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau, be granted a leave of absence from August 19, 1987 through September 4, 1987 to attend active duty training with the United States Army Reserves at Fort Leonard Wood, Missouri.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11B Motion by Councilman Jaworowicz Seconded by Councilman Kowal

WHEREAS, Police Officer Richard Kozell has applied for a Military Leave of Absence from July 21, 1987 through August 8, 1987, 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, 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 Military duty, NOW, THEREFORE, BE IT

RESOLVED that Police Officer Richard Kozell be and hereby is granted a military leave of absence from July 21, 1987 through August 8, 1987, and BE IT FURTHER

MEETING NO. 14
July 6, 1987

Item No. 11B Cont'd

RESOLVED, that Richard Kozell be paid his salary or other compensation while on such military leave.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12A Motion by Councilman Jaworowicz Seconded by Councilman Kowal

WHEREAS, a seminar on Leadership Skills for Women will be held on Thursday, August 6, 1987 in Amherst, New York, and

WHEREAS, the Chief of Police has requested permission for Lt. Christine Ziemba to attend such seminar, NOW, THEREFORE, BE IT

RESOLVED, that Lt. Christine Ziemba be and hereby is authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED, that Lt. Ziemba shall be reimbursed for her registration fee of \$44.00 upon her submission of the proper Town voucher form.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12B Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, a summer continuing Judicial Education Program for Town Justices will be held at St. Lawrence University in Canton, New York, from July 27 - 31, 1987, and

WHEREAS, Town Justice John V. Rogowski has requested permission to attend this seminar since it is mandated by the Office of Court Administration, and

WHEREAS, additionally, a two-day seminar is being held at the same location on July 28th and 29th for Town and Village Court Clerks, and

WHEREAS, Town Justice John V. Rogowski has requested that two of the Town Court's personnel be allowed to attend this seminar, and

WHEREAS, these seminars will provide the Town Court staff with important updates and information about administering the court system, in compliance with new State rules and regulations, NOW, THEREFORE, BE IT

RESOLVED, that Town Justice John V. Rogowski be and hereby is authorized to attend the above referenced seminar from July 27 - 31, 1987, and BE IT FURTHER

RESOLVED, that the following named court personnel be and hereby are authorized to attend the aforementioned seminar for Town Court Clerks on July 27th and 28th:

Robert Kapron
Maureen Corkins

and, BE IT FURTHER

RESOLVED, that the Town shall reimburse the aforementioned Town Court personnel for their reasonable and necessary expenses in attending such seminars.

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Item No. 12B Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12C Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, the New York State Department of State is sponsoring a series of courses relating to Code Enforcement within the coming months, and

WHEREAS, it is a requirement that all Code Enforcement Officers for the Town of Cheektowaga attend the required courses, NOW, THEREFORE, BE IT

RESOLVED that Richard J. Willis, Housing Inspector for the Office of Community Development, be and hereby is authorized to attend the Code Enforcement courses listed, on the dates and times given below, at the Erie County Fire Training Academy:

July 13 - 15, 1987 - 8:00 A.M. to 5:00 P.M.

August 3 - 5, 1987 - 8:00 A.M. to 5:00 P.M.

August 19, 1987 - 9:00 A.M. to 1:00 P.M.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Johnson Seconded by Councilman Kowal

WHEREAS, easements need to be obtained along 79 and 85 Mafalda Drive for the construction of a storm sewer system to alleviate flooding on Mafalda Drive, and

WHEREAS, it is necessary to obtain property appraisals associated with the securing of said easements, NOW, THEREFORE, BE IT

RESOLVED, that Grant Appraisals and Research Corporation, One Towne Centre, Audubon-Amherst, Buffalo, New York 14228 be and hereby is authorized to prepare preliminary easements for 79 and 85 Mafalda Drive at a total cost not to exceed \$1,500.00

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 14A Motion by Supervisor Weber Seconded by Unanimous

WHEREAS, a bill has been introduced in the State Assembly (A. 8342) to revise the way State Revenue Sharing aid is calculated, and

WHEREAS, said proposed bill would give localities \$50 million more in State aid this year and ensure further increases based on future growth in State tax receipts, and

WHEREAS, such bill would remove inequities in the revenue sharing formula by hiking aid to towns and villages that perform the same full range of municipal related services cities do, and

Item No. 14A Cont'd

WHEREAS, an increase in State revenue sharing aid is needed by the Town to offset, in part, the loss in Federal Revenue Sharing aid, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Assembly, Senate and Governor to enact Assembly Bill No. A. 8342, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to Assemblyman Dennis T. Gorski, Senator Dale M. Volker, Governor Mario Cuomo and to the Speakers of the State Senate and Assembly.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 14B Motion by Supervisor Weber Seconded by Unanimous

WHEREAS, companion bills have been introduced in the State Senate (S. 5627) and Assembly (A. 7546) to permit bow hunting for deer in a large portion of Cheektowaga and other municipalities in Erie County, and

WHEREAS, such Senate bill has already been approved in the State Senate, and

WHEREAS, this Town Board was never consulted on this matter and these bills were introduced without any input whatsoever from the Town, and

WHEREAS, there is no demonstrated need in Cheektowaga for bow hunting, and

WHEREAS, the Town of Cheektowaga is a heavily populated suburb and there is little open land in this Town for bow hunting to take place safely, and

WHEREAS, the likelihood of injury to people is too high to justify the implementation of bow hunting in the Town, and

WHEREAS, should bow hunting be allowed in the Town, it is probable that residents may be witness to deer dying in their presence or suffering unneedlessly from an arrow shot inaccurately, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Assembly and Governor Cuomo to vote against the passage of Senate Bill No. S. 5627 and Assembly Bill No. A. 7546, especially as such bills permit bow hunting within the corporate limits of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to Assemblyman Dennis T. Gorski, Governor Mario Cuomo and the Speaker of the State Assembly.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Kowal Seconded by Councilman Rogowski

WHEREAS, the County of Erie, pursuant to a tax foreclosure proceeding, became the owner of a 50.24 acre parcel of vacant land south of Walden Avenue and West of Harlem Road known as 1019 Walden Avenue, and

WHEREAS, such land is further described in the Assessor's records as being S.B.L. numbers 101.04-1-1.1 and 101.60-8-10.0, and

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Item No. 15 Cont'd

WHEREAS, by resolution dated May 7, 1987, the Erie County Legislature offered to convey such land to the Town for the purchase price of \$2,917.30 provided the Town agrees to clean up such land, and

WHEREAS, the Town Highway Superintendent has recommended that the Town purchase and clean up 1019 Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby agrees to purchase 1019 Walden Avenue from the County of Erie for the sum of \$2,917.30, and BE IT FURTHER

RESOLVED, that the Town Attorneys Office be and hereby is directed to take whatever steps are necessary to effectuate the transfer of such land to the Town, and BE IT FURTHER

RESOLVED, that, after the transfer of such land to the Town, the Town Highway Superintendent and Town Engineer take the necessary steps to clean up the property.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16A Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, construction plans for a proposed 55-acre industrial park known as the Gardenville Industrial Park have been submitted to the Town, and

WHEREAS, such proposed industrial park is to be located near the northeast corner of Union Road and French Road, and

WHEREAS, the plans submitted are in conformance with Town specification, and

WHEREAS, such plans have been reviewed by the Town Engineer and the Town Highway Superintendent and they have recommended approval of such plans by this Town Board, and

WHEREAS, the Environmental Advisory Review Committee of the Town has also reviewed these plans and has found that such industrial park will not have a significant effect on the environment, NOW, THEREFORE, BE IT

RESOLVED, that the plans for Gardenville Industrial Park, Phase I, be and hereby are accepted by this Town Board, and BE IT FURTHER

RESOLVED, that, prior to the acceptance of any roadways in such industrial park, the necessary storm sewer and drainage easements must be recorded and filed and the Public Improvement Permit secured.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16B Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board ("EMS Board"); and

Item No. 16B Cont'd

WHEREAS, the EMS Board has completed a review and evaluation of renewal license application(s) submitted for ambulance(s), and has recommended that the Town Board license such ambulance(s), and

WHEREAS, the Town Board, pursuant to Section A-5 of the Ambulance Ordinance desires to license such ambulance(s); NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the Emergency Medical Services Board concerning the licensing of such ambulance(s) be and hereby are accepted and approved; and BE IT FURTHER

RESOLVED that the application(s) for ambulance license(s) set forth on the attached page are hereby approved for licensing by this Town Board: and BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized, directed and empowered to issue ambulance license(s) to the applicant(s) set forth on the attached page.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AMBULANCE VEHICLE LICENSE(S)

<u>COMPANY</u>	<u>MAKE</u>	<u>YEAR</u>	<u>LICENSE NUMBER</u>	<u>CALL NO.</u>
Gold Cross	Ford	1986	6266-AA	581

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Item No. 16C Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga and for the creation of an Emergency Medical Services Board ("EMS BOARD"), and

WHEREAS, the EMS Board has completed an initial review and evaluation of the various license application(s) submitted for driver(s)/attendant(s), and has recommended that the Town Board license such driver(s)/attendant(s), and

WHEREAS, this Town Board desires to license such driver(s)/attendant(s), NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the EMS Board concerning the licensing of driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the applicant(s) for driver(s)/attendant(s) license(s) set forth on the annexed schedule are hereby approved for licensing by this Town Board for a period to expire upon the expiration of such driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized, empowered and directed to issue driver(s)/attendant(s) license(s) to the applicant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDANT LICENSES

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
*Rice, Peter	, Lack. 14218	Gold	5/31/89
Kowalczyk, Thomas	W. Sen. 14224	Gold	5/31/88
Russell, Marie L.	Tona., 14120	Town	1/31/89
Feness, Raymond, M.	Belmont, NY 14813	Gold	5/31/89
Bethge, Joseph D.	Bflo. 14214	Gold	12/31/89
Sinicki, Judith H.	, Sloan, 14212	Town	12/31/89
Lucas, Earl N.	, Bflo.14214	Gold	1/31/0
Naples, Maria	Bflo, NY 14220	Town	12/31/87
Kazmierczak, Douglas	, Lanc. 14086	Gold	5/31/89
Kendall, Kevin S.	, Or. Pk. 14127	Gold	5/31/89
Kaplewicz, Christopher	Flma, 14059	Gold	5/31/88
Bigham, Richard K.	N.Tona.14120	Gold	12/31/89
Schneider, Brian K.	West Valley14171	Gold	5/31/89
Nelson, Heidi A.	Gr. Island14072	Gold	12/31/89
Graves, Thomas K.	, Scio, NY 14880	Gold	11/30/88

*LICENSE APPROVED FOR ATTENDANT ONLY!!

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July 6, 1987

Item No. 16D Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board (EMS Board), and

WHEREAS, the EMS Board has completed a review and evaluation of the license renewal applications for driver(s)/attendant(s), and has recommended that the Town Board renew such licenses, and

WHEREAS, this Town Board desires to renew such driver(s)/attendant(s) licenses, NOW, THEREFORE, BE IT

RESOLVED that the recommendations of EMS Board concerning the renewal of the licenses for driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the renewal application(s) for driver(s)/attendant(s) set forth on the annexed schedule be and hereby are approved for a period to expire upon the expiration of such driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized, empowered and directed to issue renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDANT LICENSE

RENEWAL

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Baumgartner, Michael J.		Tona., 14150 Town	3/31/89
Crawford, Martin		Tona., 14150 Gold	12/31/89
Forbach, Eric D.		Snyder, 14226 Town	3/31/90
Gonter, Joseph		Bflo, NY 14206 Town	12/31/89

*denotes attendant license only

MEETING NO. 14
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Item No. 16E Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has received Community Development Block Grant funds from the Department of Housing and Urban Development, the application for which funds included provisions for a Housing Rehabilitation Loan Program which provides direct housing rehabilitation loans to eligible homeowners, and

WHEREAS, the Town of Cheektowaga has established such a Housing Rehabilitation Loan Program, and

WHEREAS, the Town Community Development Director has received application(s) for assistance under said program and has determined that the owner(s) of the property listed below are eligible for participation in the Town's Housing Rehabilitation Loan Program, NOW, THEREFORE, BE IT

RESOLVED that Community Development Housing Rehabilitation Loan funds, in the amount(s) listed below, be approved for the owner(s) of the Properties listed below:

141 Gardenvale Drive	\$5731.00
45 Grand Prix Drive	8011.00
86 Wilshire Road	6401.00

AND BE IT

FURTHER RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is authorized and directed to sign a Loan Agreement with the owner(s) of the above listed properties on behalf of the Town, AND BE IT

FURTHER RESOLVED that the Supervisor be and hereby is authorized to sign checks, prior to Town Board Warrant List approval necessary for the timely disbursement of said loan funds, providing that the rehabilitation work to be performed has been completed to the satisfaction of the Town's Housing Inspector and that all program regulations have been complied with to the satisfaction of the Town Community Development Director.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 17A Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the State of New York Department of Transportation proposes to reconstruct a State Arterial identified as Kensington Expressway S.H. 6508 PIN 5512.23(01), County of Erie within the geographical jurisdiction of the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga approves of such project and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide as a part of the project the following items in connection with a street lighting system:

1. Underground duct system, including conduits, pull boxes, hand poles and drainage pockets.
2. Ducts, pull boxes and anchor bolts on structures.
3. Foundation for light standards.
4. Light standards and bracket arms.
5. Luminaires, wiring, switches and ballasts and all other components necessary to complete the lighting system.

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July 6, 1987

Item No. 17A Cont'd

provided that the Town of Cheektowaga agrees to maintain, repair and energize such highway lighting system for a period of 10 years or until such time as the Commissioner, in his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for such Arterial, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga approves of the above-subject project, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall maintain, repair and energize such highway lighting system for a period of 10 years, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town, be and hereby is directed and authorized to enter into and execute an Agreement with the State of New York and through the Commissioner of Transportation to commit the Town of Cheektowaga to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system, and BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Cheektowaga be and hereby is directed to transmit two (2) certified copies of the foregoing resolution to the State Department of Transportation.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17B Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, the Town has an established Housing Rehabilitation Loan Program under its Housing and Community Development Department, which provides loans to eligible low and moderate income homeowners for necessary housing repairs, and

WHEREAS, the said Housing Rehabilitation Loan Program has been approved by the United States Department of Housing and Urban Development and is funded by grants received under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, efficient loan administration requires the execution of several standard forms, including loan repayment agreements, mortgages and discharge of mortgages, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he hereby is authorized to sign, on behalf of the Town of Cheektowaga, any agreement, mortgage discharge or other document necessary to accomplish the purposes, goals and objectives of the Town's Housing Rehabilitation Loan Program, and BE IT FURTHER

RESOLVED, that the Supervisor be and he hereby is authorized to sign checks necessary for the timely disbursement of loan funds, provided rehabilitation work has been completed to the satisfaction of the Town's Housing Inspector; and further provided that all applicable program regulations have been complied with to the satisfaction of the Town's Community Development Director.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

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July 6, 1987

Item No. 17C Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, there is need to provide for additional parking to serve the Senior Citizens Center and to construct a by-pass road south of the Senior Citizens Center so as to re-route Town truck traffic away from the Town Hall and Senior Citizens Center parking areas, and

WHEREAS, funds have been budgeted for such purposes, NOW, THEREFORE,
BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. as submitted to the Town Engineer and dated June 25, 1987 be and hereby is accepted and approved, and BE IT FURTHER

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

RESOLVED, that the costs for said professional services for survey and design work in the amount of \$9,500. and general services during construction in the amount of \$6,100. be chargeable to Budget #7110.062.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17D Authorization for conducting Library feasibility study.
This item has been withdrawn.

Item No. 17E Motion by Supervisor Weber Seconded by Councilman Jaworowicz

WHEREAS, the Department of Motor Vehicles has been awarded funds by the Department of Transportation National Highway Traffic Safety Administration, for the establishment of a special enforcement project beginning June 1, 1987 and ending March 31, 1988, and

WHEREAS, the aforesaid special enforcement project involves the enforcement of the alcoholic beverage control laws of the State of New York, and

WHEREAS, the Town of Cheektowaga Police Department will conduct the project within the Town, and

WHEREAS, the costs incurred by the Town in project administration will be reimbursed by the State Department of Motor Vehicles, NOW, THEREFORE, BE IT

RESOLVED that Supervisor Daniel E. Weber be and he hereby is authorized to sign an Agreement between the Town of Cheektowaga Police Department and the New York State Department of Motor Vehicles on the aforementioned matter.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17F Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga currently provides medical insurance benefits under its existing Blue Cross/Blue Shield Group Plan No. 83607 (which includes 81/83 Plan, Major Medical Rider and \$1.00 Co-Pay Prescription Plan) to most retired Town employees pursuant to the terms of various collective bargaining agreements, and

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Item No. 17F Cont'd

WHEREAS, several retired Town employees who are receiving medical insurance benefits with supplemental dental and optical coverage until they attain the age of 65 years, had agreed in August of 1986 to relinquish their dental and optical coverage in order to obtain medical coverage as provided for all other retired Town employees after age 65, and

WHEREAS, the Comptroller of the State of New York has opined that a municipality may provide medical benefits to such retired Town employees pursuant to the provisions of Section 92-a of the General Municipal Law of the State of New York, NOW, THEREFORE, BE IT

RESOLVED, that, in view of the foregoing, this Town Board agrees to provide medical insurance benefits after the age of 65 years to those retired members of the various Town employee and police bargaining units who have elected to relinquish their dental and optical supplemental coverages, and BE IT FURTHER

RESOLVED, that such coverage shall become effective upon the processing of the necessary paperwork with Blue Cross/Blue Shield by the Accounting and Payroll Department, and BE IT FURTHER

RESOLVED, that the Supervising Accountant of the Town be and hereby is directed to identify those retirees who had agreed to relinquish their dental and optical coverages in order to receive the aforementioned benefits, and BE IT FURTHER

RESOLVED, that the Supervising Accountant be and hereby is further directed to take whatever action is necessary to implement this resolution.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17G Motion by Councilman Johnson Seconded by Councilman Gabryszak

BE IT RESOLVED that New York State Electric & Gas Corporation be and hereby is authorized to install one (1) 5200 lumen high pressure sodium lamp on Clover Place (Pole No. 23), in the Town of Cheektowaga, at an annual increase in the General Lighting District of \$93.02, in accordance with the attached proposal which is hereby made a part of this resolution.

* See next page for proposal

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

NYSEG

June 25, 1987

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA

Clover Place (corner of Woodbine Drive)

Install 1-5200 lumen HPS lamp @ \$93.02 ea. ----- \$ 93.02
(P-23, L-406)

ANNUAL INCREASE ----- \$ 93.02

(This proposal is made contingent upon the terms and conditions covered in NYSEG's street lighting filed tariff agreement with the Town of Cheektowaga)

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July 6, 1987

Item No. 17H Motion by Councilman Johnson Seconded by Councilman Gabryszak

BE IT RESOLVED that Niagara Mohawk Power Corporation be and hereby is authorized to perform the following work on Straley Avenue in the Town of Cheektowaga: Remove 21 - 175 watt mercury vapor street light fixtures, install 21 - 100 watt high pressure sodium street light fixtures, and install one (1) wood pole with a 100 watt high pressure sodium fixture, at an annual cost to the Town's General Lighting District of \$25.66, in accordance with the attached proposal which is hereby made a part of this resolution.

* See next two (2) pages for proposal

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA
STREET LIGHT PROPOSAL
STRALEY AVENUE

PLAN "A"

LOCATION: Straley Avenue at the corner of Harlem Road

DETAILS: Install a new wood pole and 100 watt High Pressure Sodium street light.

COST: Annual increase in street light billing is \$164.68.

PLAN "B"

LOCATION: All of Straley Avenue from Harlem Road to the end.

DETAILS:

1. Remove 21 - 175 watt Mercury Vapor street lights.
2. Install 21 - 100 watt High Pressure Sodium street lights. Pole Nos. 100, 126, 136, 150, 166, 182, 192, 204, 216, 226, 245, 257, 269, 281, 291, 303, 46R, 56R, 82, 82R, 92.
3. Install new wood pole.
4. Install 100 watt High Pressure Sodium street light on new wood pole.

COST: Annual increase in street light billing is \$25.66.

June 29, 1987

TOWN OF CHEEKTOWAGA

STRALEY AVE

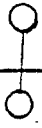
2506
HARLEM

ROAD

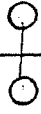


STRALEY AVE

LYMAN AVE



POLE # 303



HARLEM

- EXISTING POLE WITH 175 WATT MERCURY VAPOR STREET LIGHT
- UNSUITABLE FOREIGN POLE
- SET NEW POLE WITH 100 WATT H.P. SODIUM STREET LIGHT.

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Item No. 18 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, this Town Board acquired property south of Madeira to be used as a storm water detention basin, which detention basin has been performing adequately, and

WHEREAS, there is need to perform maintenance and cleaning of this basin so as to maintain its ability to impound storm waters, NOW, THEREFORE, BE IT

RESOLVED, that funds in the amount of \$3,200.00 be appropriated from Erosion Control and Drainage, Account No. 8540.4009, to do the necessary restoration work associated with the Madeira drainage work.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on June 19, 1987, rendered the determinations shown on the attached memo dated June 30, 1987, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby affirms the recommendations made by the Advisory Committee with respect to the following referenced items which appear on the June 30, 1987 memo attached hereto:

Item I	1045 George Urban Blvd.
Item III	Harlem Road & Cleveland Drive
Item IV	Gardenville Parkway Industrial Park
Item V	CelloPak/Gardenville Industrial Park
Item VII	66 Cayuga Road
Item VIII	2300 Clinton Street

* See next five (5) pages for memo

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Office of
BUILDING and PLUMBING INSPECTIONS

RONALD MARTEN
Building and Plumbing Inspector



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
686-3470

M E M O

TO: Supervisor Daniel Weber
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Assistant Building Inspector

DATE: June 30, 1987

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on June 19, 1987, in the Town Hall Council Chambers.

ITEM I 1045 George Urban Blvd. - Proposed Retail Sales Building

Applicant: Prudence Ciminelli

Determination: Non-Significant - The property is presently zoned for retail sales, no change in zoning was required. The building will be approximately 1539 square feet in area constructed of concrete block and wood cross roof. The committee had several conditions that would apply to construction of this building. 1) that the applicant construct a brick veneer on the front of the building so that it will present a better looking building to the people in the area. 2) that he change the width of the driveway to 25 feet from the proposed 20 feet. The Planning Board had previously reviewed the site plan for the building and approved it as submitted. The applicant will be required to landscape 12 foot from the property line, 10 foot along the west property line and 6 foot along the east property line, parking will be provided for 6 automobiles. He must submit a drainage plan to the Engineering Department for final approval.

ITEM II Mother of Divine Grace Church - Proposed Rezoning for Senior Citizen Housing

Applicant: Mother of Divine Grace Church

Determination: Non-Significant - The concept of rezoning this 120 x 290 foot parcel of property from Residential to Residential Senior Citizens was accepted by the committee. The area around the church is residential on two (2) sides with a power line Power Company easement and Driveway to the East and the Kensington Expressway to the South. The church at this time is proposing to convert the convent building into an 8 Unit-Senior Citizens building.

They have provided access around the building according to their site plan as well as additional parking spaces in front of the convent building. They are proposing a new fence along West property line. This new fence would be screening the Senior Citizens building from the existing school. A question was raised as far as access for firefighting equipment to that portion of the school building with this fence in place. After some discussion the committee approved the rezoning request with two (2) stipulations. The first stipulation was that the applicant approach the Traffic Safety Commission for their recommendations. Second that the applicant was to eliminate the new fence on the west and south property lines. They were also to restrict parking to allow for emergency vehicle access in the event of an emergency at either the school or the home.

ITEM III Harlem Road and Cleveland Drive - Proposed Medical Office

Applicant: Orfi & Underhill Architects

Determination: Non-Significant with stipulations - The applicant proposes to construct a 3000 square foot medical building on the Northeast corner of Harlem Road and Cleveland Drive. The business that would be transacted is more in the nature of a clinic where a number of doctors will be operating but only one doctor at anyone time. The clinic's primary function is to provide non-emergency health care for people who do not have a regular family doctor. The committee reviewed the site plan and found that it was lacking in certain areas as far as Zoning Ordinance requirements. The architect was instructed to change the site plan to conform with the 25 foot landscaping requirement along Harlem Road this would eliminate a number of parking spaces. It was recommended that he approach the Planning Board to seek relief of front yard parking and landscaping restrictions. The reason for this being their type of business does generate traffic more than normal for a medical office and the architect felt that ten (10) parking spaces, the Zoning Ordinance requirement, will not be sufficient to handle traffic. Approval was conditional upon changing the driveways to 20 foot width, providing a drainage plan to the Town Engineer and approaching the Planning Board for landscaping relief. The area is generally commercial along Harlem Road, primarily offices and retail sales, and it was felt that this type of business is most appropriate for that corner.

Re: EQR Meeting June 19, 1987
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ITEM IV Gardenville Parkway Industrial Park - Proposed 55 Acre
Industrial Park

Applicant: DiDonato Associates

Determination: Non-Significant - The applicant had been before the committee previously in 1982 and at that time the committee had made a recommendation of non-significance. Since that time two (2) items have come to light which could have affected this development. The first being the installation of a flashing traffic signal at the intersection of Union Road and Old Union Roads. Second the existence of an inactive hazardous waste dump as listed in the New York State DEC register. The applicant indicated that the Industrial Park will be divided on a tenant-need basis so the proposed lease lines will vary. At this time there is no proposal to connect Azalea Drive to the Industrial Park, but that may be considered in the future. The Town had received comments from the Erie County DEP. One comment was that a portion of the Slate Bottom Creek Flood Plain is within the site boundaries. The developer indicated that he has no intention of building within the Flood Plain and is reserving 7 1/2 acres of Flood Plain and will leave it in its' natural state. The County also indicated that the soil in the area is generally poor for development with a poor drainage flow. The developer indicated that each project would be individually designed to soil conditions. The County also had some concerns about the hazardous waste site which is approximately 1500 feet Northeast of this site. The developer's engineers have indicated that the Industrial Park site is approximately 14 feet above the elevation of the waste site and should not be affected in any way by any toxic wastes. The developer did indicate that each site will be tested for toxic wastes as a precaution since the 55 acres was once part of a larger parcel which included the waste site. The Traffic Safety Commission and the New York State DOT did review the project and both have accepted the site plan. Erie County DEP also raised a question as to endangered plants. They've indicated that the site is considered a general habitat for such species. The developer indicated that he will hire a consultant firm to study each and every site to determine whether or not such endangered plants are present. The road itself for the Industrial Park will be constructed in two (2) phases. The first phase will have two (2) hydrants and phase 2 will have hydrants facings of four to five hundred feet. The Bellevue Fire District will be notified of the developers plan and their comments will be forwarded to the developer.

Re: EQR Meeting June 19, 1987
Page 4

ITEM V CelloPak/Gardenville Industrial Park - Proposed Development
of CelloPak Office/
Factory Warehouse

Applicant: DiDonato Associates

Determination: Non-Significant - CelloPak is the first tenant for the Gardenville Industrial Park. The property is presently zoned for M 1 uses and the location is ideally suited for such business. The site will be tested for toxic wastes and for endangered plant species. Landscaping for this tenant space will be presented to the Planning Board for their approval. The developer has indicated he will attempt to leave as many of the existing trees as possible. Drainage must be submitted to the Town Engineering Department for approval.

ITEM VI 620 Dick Road - Proposed Plaza Addition

Applicant: Benderson Development

Determination: Non-Significant - This item had been before the committee before at which time they recommended a number of changes to the developer. The developer has submitted a new site plan which indicates a six foot high screening fence along the West property line. He will contact the property owners individually to determine their needs or preferences as far as hedges or fencing. Curb bumpers will be placed along this fence line to prevent vehicles from damaging the fence. All dumpsters are to be located at the rear of the existing former Bellis store and enclosed with solid fencing. All roof top exhaust and air conditioning units will be at least 40 feet from the property line to prevent the dissemination and noise to the adjoining residential property. All new site lighting will be of the type that will prevent excessive splash over onto the residential yards. A better defined George Urban Boulevard driveway will be provided with landscaping on both sides. This landscaping plan will be submitted to the Planning Board for their review. The back of the building will be painted with a color selected by neighbors. At the present time the developer is anticipating only 2 to 3 new stores in this addition. The residence had no further requests or concerns and the committee therefore felt that the developer had addressed all potential problems.

Re: EQR Meeting June 19, 1987
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ITEM VII 66 Cayuga Road - Conversion of a House into
an Office

Applicant: Summa Group Incorporated.

Determination: Non-Significant - The property is now zoned RC Restricted Business which is the proper zoning for offices. It is located directly across from the Greater Buffalo International Airport just North of the Kensington Expressway on ramp. The property has now on it a paved tennis court which the applicant proposes to use for parking. This area would be furthest from any adjacent residential properties. There are 2 driveways. The applicant proposes to use both as one-way driveways with the South drive being the in and the North being the out. This is the best arrangement for traffic in the area. The applicant is in the business of design and consulting and has few if any clients meeting in his offices. The building itself will have cosmetic changes and possibly a small addition on the South side. The Planning Board will be approached for relief on landscaping.

ITEM VIII 2300 Clinton Street - Proposed OTB Betting Palor

Applicant: Western Regional Off Track Betting

Determination: Non-Significant - This item has been before the committee and was referred to the Traffic Safety Commission for their review. They were in agreement with the details of the submitted plans. New York State DOT must be contacted for curb cut and drainage taps. The Town Engineer will approve the on site drainage. A revised site plan was submitted which scaled down the project. A portion of the lot originally intended for parking will be left, landscaped as-is since soil conditions does not permit a good parking base. The property is surrounded by other business uses including Malecki Meats, a machine shop and gasoline station across the street. It should provide a better location for the type of traffic generated by this operation which should lead to a cessation of the problems that now exists at their present facility on Clinton.

TA:ckl

MEETING NO. 14
July 6, 1987

Item No. 20 Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, in the Spring of 1987, Town Police Lieutenant John Howlett enrolled in computer programming courses at the State University of New York at Buffalo, and

WHEREAS, at such time, there was an understanding between Lt. Howlett and then Chief of Police Leonard J. Smolarek that, if Lt. Howlett successfully completed such courses and if the Town was able to purchase a computer for the Police Department, then Lt. Howlett would be reimbursed for the costs of tuition and for textbooks for such courses, and

WHEREAS, Lt. Howlett successfully completed such computer courses, and

WHEREAS, the Town, with State financial assistance in 1986, purchased a computer system for the Police Department, and such computer is now installed, and

WHEREAS, this Town Board feels that Lt. Howlett's knowledge of computer programming will be invaluable to the Town in operating the recently-purchased computer, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby directs that Lt. Howlett be reimbursed the sum of \$357.85 for the costs of tuition and textbooks for the computer programming courses taken by Lt. Howlett in 1987 upon Lt. Howlett's submission of the required Town voucher forms.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Rogowski Seconded by Councilman Kowal

WHEREAS, representatives from the International Brotherhood of Electrical Workers Local Union 41 have approached Town Officials regarding the possibility of hosting the 1988 International Brotherhood of Electrical Workers Midwest Softball Tournament in the Town of Cheektowaga, and

WHEREAS, over 500 players and family members are expected to participate in the tournament and plan on using conference and hotel facilities in the Town, and

WHEREAS, plans for the tournament were reviewed by the Chairman of the Parks and Recreation Committee and the Directors of the Facilities and Recreation Department, and

WHEREAS, the organizers of the proposed tournament have agreed to incur any over-time costs or other incidental costs necessitated by the tournament and submit the required liability policies required, NOW, THEREFORE, BE IT

RESOLVED that the International Brotherhood of Electrical Workers Local Union 41 be permitted to reserve the necessary softball diamonds and shelters at Town Park and Stiglmeier Park for July 16, 17, 1988 for the International Brotherhood of Electrical Workers Midwest Softball Tournament.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

MEETING NO. 14
July 6, 1987

Item No. 22A Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property known as 81 Evergreen Place, Cheektowaga, New York, (SBL #91.19-5-13) and according to the Assessors' Office 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 cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22B Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 211 Santin Drive, Cheektowaga, New York, (SBL #102.08-5-14) and according to the Assessors' Office is owned by James J. Watson, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22C Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at William Street between Starlight & Tamark, Cheektowaga, New York, SBL #113.56-5-19 and according to the Assessors' Office is owned by Mr. John Michalik, Buffalo, New York, 14206, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred by assessed against the property hereinbefore described.

MEETING NO. 14
July 6, 1987

Item No. 22C Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22D Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located on The Avenue (Vacant Lots), Cheektowaga, New York, SBL #102.47-4-4, #102.47-4-5, #102.47-4-6 and #102.47-4-7 and according to the Assessors' Office is owned by Roxborough Homes Corporation, 2909 Genesee Street, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22E Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located South of 134 Alaska Street, Cheektowaga, New York, (SBL #113.69-3-6.1) and according to the Assessors' Office is owned by Ricky J. Sees, Buffalo, New York 14206, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Kowal Seconded by Councilman Gabryszak

WHEREAS, this Town Board awarded the contract for the construction of a new concrete floor at the highway garage addition in the amount of \$72,538.85 to J. Pearce & Son, Inc., 420 Meyer Road, West Seneca, New York 14224, and

WHEREAS, extra excavation of excess blacktop below subgrade was required, NOW, THEREFORE, BE IT

MEETING NO. 14
July 6, 1987

Item No. 23 Cont'd

RESOLVED, that this Town Board approve Change Order #1 at an additional cost of \$459.20 to the contract of J. Pearce & Son, Inc., as recommended by the Town Engineer and the Project Engineer, Rudolph Bogacki, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized and directed to sign said Change Order #1 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, it was necessary to replace 16' of 15" sewer tile between two (2) manholes located in front of #37 Vern Lane, opposite Joanne Lane, and

WHEREAS, Chaffee Construction Company, Inc. was hired to perform the required work which is outlined in the Attached memo from the Town Engineer dated June 25, 1987, NOW, THEREFORE, BE IT

RESOLVED, that the voucher of Chaffee Construction Company, Inc., Route 16, Chaffee, New York 14030 in the amount of \$9,434.36 to make the necessary sewer repair be and hereby is approved, and BE IT FURTHER

RESOLVED, that payment for said emergency sewer repair be and hereby is chargeable to Sewer District #3 Remedial Budget Item 308123.4821.

* See next page for memo

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

MEETING NO. 14
July 6, 1987

Item No. 25 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following budget transfers are hereby approved for the 1987 budget year.

GENERAL FUND

FROM:	01-5900 (Fund Balance)	\$	48,707.68
	01-1910.4711 (Contingency)		5,000.00
TO:	01-5183.4432 (Bridges-Repair & Maintenance)	\$	48,707.68
	01-1910.4703 (Judgements & Claims)		5,000.00

HIGHWAY FUND

FROM:	03-59900 (Fund Balance-Bridges)	\$	9,622.32
	03-59900 (Fund Balance-Highway)		30,000.00
TO:	03-035120.4432 (Bridges-Repairs & Maintenance)	\$	9,622.32
	03-045130.2407 (Highway-Equipment Utility Truck)		30,000.00

SPECIAL DISTRICT FUND

FROM:	02-858160.4469 (Sanitation-Landfill)	\$	3,000.00
	02-59900 (Fund Balance-SD #3)		5,000.00
TO:	02-858160.4453 (Sanitation-Building Repair)	\$	3,000.00
	02-308123.4704 (SD #3-Penalties)		5,000.00

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 26 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to July 6, 1987 are hereby approved and made a part hereof.

FUND	Amount
GENERAL FUND	\$ 306,916.09
SPECIAL DISTRICTS FUND	157,236.83
HIGHWAY FUND	199,378.39
FEDERAL REVENUE SHARING FUND	113,781.34
CAPITAL FUND	229,461.39
TRUST & AGENCY FUND	2,689.00
HUD-CDBG FUND	5,586.73
PART TOWN FUND	290.00
	<u>\$1,015,339.77</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

II. FROM THE TABLE

Item No. 27 Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, Robert D. Alonzo, as agent for Benderson Development Company, Inc. has made application and requested a rezoning from RA-Apartment District to M1-Light Manufacturing for property located at 760 Dick Road, 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 July 20, 1987 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 Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication..... JUL 9 - 1987 ;
last publication..... JUL 9 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this 9th
day of July , 19 87

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19 89

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 20th day of July, 1987 at 8:30 o'clock, p.m., Eastern Daylight Savings Time of said day for the purpose of considering the application of Robert D. Alonzo/Benderson Development Co. to rezone from RA-Apartment District to M1-Light Manufacturing District on property located at 780 Dick Rd. and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-06 of the Zoning Ordinance of the Town of Cheektowaga New York.

JOB NUMBER 13035

DRAFT DESCRIPTION

DICK RD., CHEEKTOWAGA, NY

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 12, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the intersection of the west line of Dick Road (100 feet wide) and the south line of the west Shore Railroad; thence southeasterly along the west line of Dick Road (100 feet wide), 39.32 feet to a point; thence continuing along the west line of Dick Road, 300.48 feet to a point; thence continuing along the west line of Dick Road (88 feet wide) 101.35 feet to a point; thence west at right angles to the west line of Dick Road 171.03 feet to a point; thence south 51 feet to a point in the north line of Map Covers Nos. 1219 and 2109, 183.33 feet to a point thence northwesterly 432.24 feet to a point in the south line of the west Shore Railroad, 310.75 feet to the point or place of beginning.

Excepting and reserving there from all that part of said land which was conveyed to the County of Erie by Deed recorded in the Erie County Clerk's office in Liber 7806 of Deeds page 406 known as parcel No. 53.

Also subject to easements and restrictions of Record.

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 Daniel E. Weber

Councilmen

Thomas M. Johnson, Jr.

William P. Rogowski

Patricia A. Jaworowicz

Christopher J. Kowal

Deanna H. Galyszak

Rudy A. Santa Maria

RICHARD M. MOLESKI

Town Clerk

PUBLISH: July 2, 1987

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 28 Building Permits
Received and filed.
- Item No. 29 Supervisors' Statement of Funds: April and May 1987.
Received and filed.
- Item No. 30A Minutes of meeting of Cheektowaga Library Board for June 1987.
Received and filed.
- Item No. 30B Minutes of meeting of Cheektowaga Traffic Safety Commission for June 1987.
Received and filed.

IV. GENERAL COMMUNICATIONS

- Item No. 31A N.Y.S. Department of Transportation - Designation of Restricted Highway - portion of Union Road at intersection with French Road along Union Road to Como Park Blvd.
Received and filed.
- Item No. 31B N.Y.S. Department of Transportation - Notice of Order: Addition of Stop signs on Rein Road and Case Way.
Received and filed.
- Item No. 31C N.Y.S. Department of Transportation - Notice of Order: Placing Stop signs on Hatch Court and Harmony Lane.
Received and filed.
- Item No. 32A Petition from residents of North Meadowbrook Parkway regarding raising of pavement on street.
Copies were sent to: Alfred Wnek, Highway Superintendent.
Received and filed.
- Item No. 32B Petition from residents of Dick Road/George Urban Blvd. area regarding request for traffic signal at Bells Superstore on Dick Road.
Copies were sent to: Daniel E. Weber, Supervisor; Town Board Members; Cheektowaga Traffic Safety Commission.
Received and filed.
- Item No. 32C Petition from residents of Laura Court requesting to address Town Board relating to flooding problems in entire area.
Copies were sent to: Daniel E. Weber, Supervisor; Town Board Members; Chester Bryan, Town Engineer
Received and filed.

V. SUSPENSION OF RULES

Motion by Councilman Kowal, Seconded by Councilman Johnson to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 33 Appointment to Assessment Board of Review

Motion by Councilman Santa Maria Seconded by Councilman Gabryszak

WHEREAS, there is presently a vacancy on the Board of Assessment Review due to the resignation of one of the Board members, and

WHEREAS, applications for such position have been received and reviewed, and

WHEREAS, Gary J. Hoey has applied for such position and the Town Assessor has recommended that this Board appoint him, NOW, THEREFORE, BE IT

RESOLVED, that Gary J. Hoey, Cheektowaga, New York 14225 be and hereby is appointed as a member of the Board of Assessment Review, effective immediately and for a term expiring on September 30, 1990, at a salary of \$1,025.00 per annum.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 34 Appointment of Foreman in Sanitation Department

Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, a vacancy exists in the position of Foreman in the Sanitation Department, due to a recent retirement, and

WHEREAS, Salvatore Baldi has applied for such position and meets all the requirements of such position, NOW, THEREFORE, BE IT

RESOLVED, that Salvatore Baldi, Cheektowaga, New York 14227 be and hereby is appointed to the position of Foreman in the Sanitation Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Supervisory Unit.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 35 Motion by Supervisor Weber Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS held at 6:30 P.M.

NO.

ITEM

Meeting No. 16 July 20, 1987

- 1 Rezoning at 520 MARYVALE DRIVE from R-Residential to RS-Senior Citizen Housing District
- 2 Rezoning at 760 DICK ROAD from RA-Apartment District to M1-Light Manufacturing District

Meeting No. 18 August 17, 1987

- 1 Special Use Permit for family day care home and nursery school on property located at 32 JOANNE LANE

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 18 August 17, 1987</u>	
2	Repeal Town Flood Damage Control Ordinance and enact Local Law No. 1 of 1987 entitled "A Local Law for Flood Damage Prevention"	1-2

R E S O L U T I O N S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 16 July 20, 1987</u>		
2	Call for public hearing to repeal Flood Damage Prevention Ordinance and adoption of Local Law for Flood Damage Prevention	1
3	Acceptance of Captains and Lieutenants Contract	1
4	RESCIND BIDS:	
	a. Paving Roller for Highway	2
	b. New 1988 Model Medium Duty Truck	2
5	Notice to Bidders - 1987-88 Model Medium Duty Truck	2-3
6	CHANGE ORDERS:	
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SPECIAL MEETING

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2	Revision of salary of Town Justice	

NO. 17

No. 18

SPECIAL MEETING NO. 15
July 13, 1987
6:30 P.M.

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 13th day of July, 1987 at 7:00 o clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: Councilman William P. Rogowski

Also present were: Mary F. Holtz, Deputy Town Clerk.

Item No. 2 Motion by Supervisor Weber, Seconded by Councilman Kowal

WHEREAS, Town Justice John V. Rogowski was taken ill on July 4, 1987 and his doctor has advised him that he should not return to work for several weeks, and

WHEREAS, Town Justice Henry R. Gabryszak has agreed to assume Town Justice Rogowski's caseload, in addition to his own, while John V. Rogowski is absent from work, and

WHEREAS, this Town Board feels that Town Justice Henry R. Gabryszak should be adqutely compensated for the additional caseload assumed by him during Town Justice Rogowski's absence, and

WHEREAS, the State Comptroller's Office has stated that a town justice may receive a salary increase for temporarily assuming the duties of another town justice, NOW, THEREFORE, BE IT

RESOLVED that, effective immediately, Town Justice Henry R. Gabryszak shall receive, in addition to his regular salary, an amount of money equal to the salary Justice Rogowski is paid, pro-rated on a daily basis, until such time as John V. Rogowski is able to and does return to work as Town Justice.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, Kowal, Jaworowicz, and Santa Maria
NAYES: 0
ABSENT: Councilman Rogowski
ABSTAINED: Councilman Gabryszak

Item No. 3 Motion by Supervisor Weber, Seconded by Councilman Kowal 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 20th day of July, 1987 at 7:00 o clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Rudy A. Santa Maria

ABSENT: Councilman Gabryszak

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Ron Marten, Building and Plumbing Inspector; Robert Lis, Chief of Police; Sal LaGreca, Employment and Training Director II; Donald Wegner, Chairman of Zoning Board of Appeals; Pat Wojcik, Recreation Director-Senior Citizens.

I. RESOLUTIONS

Item No. 2 Call for public hearing to repeal Flood Damage Prevention Ordinance and Adoption of Local Law for Flood Damage Prevention
This item was withdrawn.

Item No. 3 Motion by Councilman Kowal, Seconded by Councilman Santa Maria

WHEREAS, the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Captains and Lieutenants Association expired on December 31, 1986, and

WHEREAS, negotiations between the Town and the Captains and Lieutenants Association have resulted in a new agreement for 1987-88, and

WHEREAS, such agreement is acceptable to this Town, NOW, THEREFORE,
BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached Agreement between the Town of Cheektowaga and the Captains and Lieutenants Association for 1987-88.

* See next twenty-six (26) pages for agreement

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria

NAYES: 0

ABSENT: Councilman Gabryszak

ATTACHMENT

3

AGREEMENT BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE CAPTAINS AND LIEUTENANTS ASSOCIATION

1987 -1988

No. 17

No. 18

This Agreement, entered into the ___ day of _____, 1987 by and between THE TOWN OF CHEEKTOWAGA, NEW YORK, hereinafter referred to as the "Town" and the TOWN OF CHEEKTOWAGA CAPTAINS AND LIEUTENANTS ASSOCIATION, hereinafter referred to as the "Association".

ARTICLE I

SECTION 1.01 - PURPOSE OF AGREEMENT

The parties hereto desire to provide, through this Agreement: methods for orderly collective bargaining between the Town and the Association; to secure prompt and equitable disposition of grievances that may arise; to establish fair wages, fringe benefits and working conditions for police personnel in the negotiating unit; and to promote, to the highest degree, efficiency in providing service to the public.

In consideration of the mutual covenants and agreements, herein contained, the Town and the Association, through their authorized representatives, agree as follows:

SECTION 1.02 - APPLICABLE LAW

This Agreement has been negotiated pursuant to the provisions of the Public Employees Fair Employment Act and is governed by the provisions of the New York State Law and also non-conflicting local laws of the Town.

SECTION 1.03 - LEGISLATIVE REQUIREMENTS

IT IS AGREED BY AND BETWEEN THE PARTIES THAT ANY PROVISION OF THIS AGREEMENT REQUIRING LEGISLATIVE ACTION TO PERMIT ITS IMPLEMENTATION BY AMENDMENT OF LAW OR BY PROVIDING THE ADDITIONAL FUNDS THEREFORE; SHALL NOT BECOME EFFECTIVE UNTIL THE APPROPRIATE LEGISLATIVE BODY HAS GIVEN APPROVAL.

ARTICLE II

SECTION 2.01 - RECOGNITION

The Town recognizes the Association as the sole and exclusive representative and collective bargaining agent for all police Captains and Lieutenants in the negotiating unit who are hereinafter referred to, individually as "Captain or Lieutenant" and collectively as "Captains and Lieutenants".

The negotiating unit is defined as: all police Captains and Lieutenants, employed in the Town of Cheektowaga, New York, pursuant to the New York State Civil Service Law, excepting Captains or Lieutenants holding the rank of Chief of Police or Assistant Chief of Police.

This recognition shall extend for the maximum period of time allowed by law and until the expiration of this Agreement, according to its terms. The Town shall not negotiate, during this Agreement, with any organization on behalf of the police officers, defined herein, other than the Association and, unless notified by the Town, the Association will undertake to negotiate and represent the same unit for a successive agreement.

ARTICLE III

SECTION 3.01 - DUES CHECKOFF

Upon written authorization from a Captain or Lieutenant, on a form provided by the Association, the Town will deduct from the salary of such Captain or Lieutenant, from the first pay-period of each month, membership dues as the Captain or Lieutenant may specify, and the Town will transmit said sums, promptly to the Association, within five (5) days after the deduction has been made.

The Town agrees to deduct from the wage or salary of a Captain or a Lieutenant represented by the Association, who are not members of the Association, an amount equivalent to the dues levied by the Association on its members, and such sums shall be transmitted by the Town to the President or Treasurer of the Association.

The Association, pursuant to such deductions, agrees to establish and maintain a procedure providing for the refund of any non-member Captain or Lieutenant demanding the return of any part of such agency fee deduction which represents his pro-rata share of the expenditures by the Association in aid of activities or causes of political or ideological nature, only incidentally related to terms and conditions of employment.

SECTION 3.02 - NEW JOB CLASSIFICATIONS

The Town agrees that in the event it establishes any new civil service classifications within the bargaining unit, the Town will furnish the Association with the new job description and will confer and negotiate with the Association the basic annual salaries for each position.

ARTICLE IV

SECTION 4.01 - UNIFORM ALLOWANCE

Each Captain or Lieutenant shall be paid the sum of \$450.00 for the year 1987, for the purchase and maintenance of police clothing, uniforms and equipment and for the maintenance and cleaning of the same.

Each Captain or Lieutenant shall be paid the sum of \$490.00 for the year 1988, for the purchase and maintenance of police clothing, uniforms and equipment and for the maintenance and cleaning of the same.

Uniform allowance will be paid by January 30th of each year.

Each Captain or Lieutenant shall be responsible for maintenance of his uniforms and equipment and failure to reasonably maintain the same may be the subject of disciplinary action.

The Town will negotiate with the Association, regarding the impact of changes in articles of clothing or equipment.

ARTICLE V

SECTION 5.01 - SENIORITY WITHIN RANK & SHIFT PREFERENCE

1. Seniority within rank shall be determined according to the date of promotion in rank; and in the event promotion in rank is on the same day, then seniority shall be determined by badge number with the lower badge number constituting the senior officer for the purposes of seniority within this Agreement.

2. Captains and Lieutenants shall have the right to select their shift according to seniority on a particular platoon provided their choice is made within the scope of their job assignment and rank (i.e.: Patrol Captains & Lieutenants within patrol; and, Detective Lieutenants within the Detective Bureau (General Unit)). Shift changes must be requested in writing to the Office of the Chief of Police, no later than three (3) weeks prior to the annual schedule change. Each officer shall remain on an assigned shift until the next annual schedule change. This paragraph to become effective with the annual schedule change meeting in December, 1987.

3. Although officers in patrol job assignments are precluded from utilizing their seniority alone to move to nonpatrol job assignments due to the procedure of Section 5.02(a) below, officers in nonpatrol job assignments may elect to use their seniority to move into patrol job assignments only when a patrol vacancy exists. This paragraph to become effective with the annual schedule change meeting of December, 1988.

SECTION 5.02 - TRANSFERS & FILLING OF VACANCIES

The transferring and assignments of Captains and Lieutenants will be the responsibility of th Chief of Police, in accordance with Section 5.01 and 5.02 (a) of this Agreement.

SECTION 5.02 (a)

1. When a vacancy exists in a patrol job assignment, the Chief of Police shall notify, in writing, officers of qualified rank, offering them an opportunity to indicate their desire to exercise their seniority pursuant to Section 5.01 to fill such vacancy.

2. When a vacancy exists in a nonpatrol job assignment (i.e.: Administration and Detective Division), the Chief of Police shall notify, in writing, officers of qualified rank, offering them the opportunity to indicate their desire and interest to fill the vacancy. Selection shall be based on seniority, qualifications and on experience; provided that the selection process is equitable and the decision is not arbitrary or capricious.

3. If the Town declares a vacancy, the same must be filled within thirty (30) days after the vacancy exists.

ARTICLE VI

SECTION 6.01 - ESTABLISHMENT OF SALARIES

There will be a five (5) percent pay raise for each individual in the Association bargaining unit over their 1986 salary for the year 1987. For the year 1988, there will be a five (5) percent pay raise for each member in the bargaining unit over and above the 1987 salary.

Beginning January 1, 1988, Captains and Lieutenants regularly assigned to the Third Platoon will be paid the additional sum of .25 cents per hour. Those regularly assigned to the First Platoon will receive an additional sum of .35 cents per hour. The differential will not apply to court pay, training time, and will not be paid to those not regularly assigned to those platoons.

SECTION 6.01 (a) - SALARIES

Each Captain and Lieutenant shall be paid pursuant to the following salary schedule:

January 1, 1987	Captains	\$38,738.07
	Lieutenants	\$35,214.25
January 1, 1988	Captains	\$40,674.97
	Lieutenants	\$36,974.96

SECTION 6.02 - OUT OF RANK PAY - PATROL

If the Chief of Police requires a Captain on a patrol job assignment, and a Captain is not present or will not be present for two (2) or more hours, the senior available Lieutenant on that platoon will serve as "Acting Captain" and shall be compensated on an out of rank basis as "Acting Captain" for each hour worked.

SECTION 6.02(a) - OUT OF RANK PAY - NONPATROL

If the Chief of Police requires a Captain on a nonpatrol assignment and that Captain is not present or will not be present for eight (8) or more hours as a result of authorized leave other than regular days off the senior available and/or appropriate lieutenant connected to that nonpatrol assignment will serve as "Acting Captain" and shall be compensated on an out of rank basis as "Acting Captain" for each hour of work.

SECTION 6.03 - RATE OF PAY

The hourly rate of pay shall be obtained by dividing the annual salary by 2080.

SECTION 6.04 - OVERTIME PAY

Overtime shall be all work beyond a normally scheduled eight (8) hour tour of duty and any work beyond a normally scheduled forty (40) hour work week.

All overtime work shall be paid at the rate of time and one-half.

SECTION 6.05 - CALL IN PAY

If Captain or Lieutenant is requested to report to the police station for duty or ordered to report for duty, during other than regularly scheduled hours (except for reasons of his own neglect) and more than two (2) hours prior to his regularly scheduled work shift he shall be paid a minimum of three (3) hours pay at the rate of time and one-half. Court appearances and training schedules will not be considered call-in, and this section will not apply in those instances.

In the event Captains or Lieutenants are called to duty because of personnel shortage, call-in will be accomplished on a seniority basis for each shift, and in the event of a general call to duty, on a seniority basis, based upon the seniority within the department.

Call-in, on each shift, shall be accomplished in the following manner, when supervision manpower shortages exist:

Call-in will be by seniority within the shift, by rank and seniority, and the supervisory position, if required, will be within the division and the position will be filled by the shift in the division; (2) by seniority in the division; (3) by seniority outside the division.

Shifts may be split among members of the Association.

SECTION 6.06 - LONGEVITY PAY

Beginning January 1, 1987, each Captain and Lieutenant shall be paid the following cumulative, longevity increments, each year:

After 5 years of service	\$350.00
After 10 years of service	275.00
After 15 years of service	375.00

Beginning January 1, 1988, each Captain and Lieutenant shall be paid the following cumulative, longevity increments, each year:

After 5 years of service	\$375.00
After 10 years of service	300.00
After 15 years of service	400.00

Longevity pay will be paid within thirty (30) days after a Captain's or Lieutenant's anniversary date and will be included in salary for all purposes including retirement purposes.

Upon termination of service, prior to the anniversary date, accrued longevity pay shall be paid to the Captain or Lieutenant, or his estate, on a pro-rated basis.

In addition to longevity, Captains and Lieutenants who have twenty-five (25) years of service shall be paid an additional \$300.00 lump sum annually.

SECTION 6.07 - REDEMPTION OF ACCUMULATED TIME

The Town will have the right to buy back compensatory time on the books for all Captains and Lieutenants or a portion of such compensatory time over 120 hours, If a Captain or Lieutenant has over 120 hours accumulated, the Chief may at his option,

order the Captain or Lieutenant to take time off or pay the Captain or Lieutenant for all or a portion of the hours over 120. The Chief will exercise this option right from November 15th to December 15th of each year.

SECTION 6.08 - EDUCATION INCENTIVE PAY

Each Captain and Lieutenant who attends or has attended a New York State Department of Education approved Police Science or Criminal Justice Program shall receive educational incentive payments annually as follows:

1. \$100.00 a year to a Captain or Lieutenant who matriculates or has matriculated in a New York State Education Department approved Police Science or Criminal Justice Program, two (2) year Associates of Applied Science Degree or
2. \$300.00 to a Captain or Lieutenant who matriculates or has matriculated in a New York State Department of Education approved Police Science or Criminal Justice Program Bachelor of Science or Bachelor of Arts four (4) year degree.
3. Paragraph No. 1, which provides for education incentive pay to officers with Associate Degrees, will be limited to pay only officers who were appointed to the department before January 1, 1987.

SECTION 6.09 - ADDITIONAL SALARIES

All members of the Association shall be paid pursuant to and consistent with the salary schedules set forth in Section 6.01. For the responsibility of filing reports and the necessary administrative procedures required, previous and subsequent to the regular scheduled tour of work, each member, for the year nineteen hundred and eighty-seven, shall receive six hundred and seventy-five dollars to be added to and prorated with their regular salary. For the year of nineteen hundred and eighty-eight, each lieutenant shall receive eight hundred and fifty dollars and each captain shall receive nine hundred and forty dollars to be added to and prorated with their regular salary.

SECTION 6.10 - OFF-DUTY AUTHORITY

All Captains and Lieutenants are presumed to be subject to duty twenty-four (24) hours per day. Any action taken by a member of the police force on his time off which would have been properly taken by the officer while on active duty if present and available shall be considered police action, and the employee shall have all the rights and benefits concerning such action as if he were then on active duty, provided that the action taken by the Captain or Lieutenant shall have all the rights provided it is within the scope of the the Captain or Lieutenant's Town employment and authority.

ARTICLE VII

SECTION 7.01 - WORK DAY AND WORK WEEK

The standard work day shall be eight (8) hours and the standard work week shall be forty (40) hours. The work day and work week shall be pursuant to existing New York State Law. Whenever practicable two (2) consecutive days off shall be provided within a seven (7) day calendar period. Each officer shall be entitled to a thirty (30) minute lunch period in each eight (8) hour tour of duty. When practicable, each police officer shall work a three (3) platoon system.

Each Captain or Lieutenant shall sign-in at the start of his tour of duty and sign-out at the end of his tour of duty in order to be compensated. A daily record shall be kept by the department head or his agent, which record shall be collected, daily, and be made part of the officer's personnel record. Each officer shall observe the scheduled work hours that are posted in all reports of duty, according to the posted time and date.

Effective the 24th day of February, 1986, all Captains and Lieutenants shall be assigned and work four (4) days followed by two (2) consecutive days off; followed by four (4) days work and two (2) consecutive days off; followed by five (5) days work and two (2) consecutive days off and the cycle shall then be repeated, continually, to provide rotating days off to Captains and Lieutenants. This schedule shall be referred to as the 4-2/5-2 work schedule.

Captains and Lieutenants shall not be arbitrarily removed from their selected and assigned work schedules; and, those members assigned to the 5-2 work schedule shall receive the same number of days off as those working a 4-2/5-2 work schedule. The granting of any such additional days off will be made in such a manner as to avoid the necessity to work officers overtime.

SECTION 7.02 - INTERRUPTED LUNCH

In the event a Captain or Lieutenant is precluded from eating his meal by headquarters or as a result of an offense being committed in the Captain's or Lieutenant's presence, which requires the Captain's or Lieutenant's continuous commitment throughout the shift, said Captain or Lieutenant shall be compensated at the rate of time and one-half for the unused part of the Captain's or Lieutenant's thirty (30) minute lunch period.

ARTICLE VIII

SECTION 8.01 - COURT PAY

If a member is required to make a court appearance within his own jurisdiction at any time other than his regularly scheduled working hours, he shall be allowed a minimum of three (3) hours paid time at his standard hourly rate. If a member is required to make a court appearance outside of the Town's jurisdiction, then he shall be allowed a minimum of four (4) hours paid time at his standard hourly wage rate. If any Court appearance exceeds the minimum standards set, the member shall be entitled to payment for all actual hours spent at his standard hourly rate.

Verification of time in court shall be made by presenting the appropriate form to the Chief of Police. Said form is to be signed by the presiding judge, administrative officer or court clerk. Every reasonable effort will be made to provide this payment in the pay period immediately subsequent to the submission of the verification form.

ARTICLE IX

SECTION 9.01 - HOLIDAYS

Each Captain or Lieutenant shall be given compensatory time-off or be paid the value of the following holidays, whether he works the holiday or not:

New Years Day	Columbus Day
Lincoln's Birthday	Veteran's Day
Washington's Birthday	Election Day
Good Friday	Thanksgiving Day
Memorial Day	December 24th
Independence Day	Christmas Day
Labor Day	January 2nd

Each Captain or Lieutenant shall notify the Chief of Police, or his designee, by December 1, as to the holidays he elects to be paid for and the holidays he elects for compensatory time-off, during the following year.

In addition to the above holidays, each Captain or Lieutenant shall be given compensatory time-off for any holiday granted to other employees of the Town of Cheektowaga, by resolution of the Town Board or declaration of the Town Supervisor. A Captain or Lieutenant who elects to be paid for a holiday may be granted the day off which shall be charged against the Captain's or Lieutenant's accumulated compensatory time-off, without loss of the holiday pay.

ARTICLE X

SECTION 10.01 - VACATIONS

Each Captain or Lieutenant shall be entitled to an annual vacation, with pay, during each calendar year as follows:

After 1 year	12 working days
After 5 years	18 working days
After 10 years	21 working days
After 15 years	25 working days
After 20 years	28 working days

Request for vacation by Lieutenants shall be submitted in writing and approved by their immediate Supervisor. Captains shall submit their requests to the Chief of Police.

The lower badge number and rank shall determine seniority and vacation approval shall be based upon the seniority of the Captain and Lieutenant of each shift.

Vacation periods will be divided into the following:

Winter	December to February
Spring	March to May
Summer	June to September
Fall	October to November

Captains and Lieutenants shall not be entitled to more than ten (10) or thirteen (13) consecutive days of vacation, as described below, during any of the above vacation periods, unless in the opinion of the commanding officer, additional vacation days, during any such period, will not interfere with the smooth operation of the department. The commanding officer shall have the sole right to designate the number of Captains and Lieutenants who will be on vacation at any time.

SECTION 10.02 - UNUSED VACATION

Notwithstanding any provision of the law to the contrary, each member of the Association shall be entitled to be paid, at the time of his retirement from the Department, the monetary value of any unused vacation time and overtime standing to his credit on the date of his retirement. In the case of death in service of any Captain or Lieutenant, the value of such time standing to his credit shall be paid to his estate or as is otherwise provided by law.

Captains and Lieutenants intending to retire may notify the Town two (2) years in advance and will be permitted to accumulate time-off and vacations for one and one-half (1 1/2) years, the value of which will be paid as salary during the final year of employment and included as wages for pension purposes.

Upon termination of employment, for any reason, an officer will be paid the value of all accumulated vacation or other time-off, including sick leave, pursuant to Appendix B. However, in the event termination is by discharge or dismissal, there would be no payment of accumulated sick leave.

A Captain or Lieutenant who has at least seventeen (17) years of service may elect to be paid the value of not more than ten (10) days of accumulated vacation, each year in lieu of leave.

SECTION 10.03 - VACATION PAY ADVANCE

Upon written request, at least two (2) weeks prior to vacation time, a Captain or Lieutenant will be paid the estimated amount due him for his vacation period, not later than the Friday before he begins his vacation.

ARTICLE XI

SECTION 11.01 - BEREAVEMENT LEAVE

Upon request of a Captain or Lieutenant, a leave of absence shall be granted because of death in his/her immediate family. Such leave shall be taken without loss of pay or other benefits and shall begin on the date of death.

Such leave shall consist of (4) working days if the officer is assigned to a four (4) day work week and of five (5) working days if the officer is assigned to a five (5) day work week.

Immediate family, for the purpose of this section, shall mean: mother, father, spouse, child, grandchild, grandparent, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law.

In the event of death of a relative, not included in immediate family, the officer, upon request, shall be granted time off, without loss of pay or other benefits, for the day of the funeral, which time shall be charged against accumulated time off or sick leave at the officer's choice.

ARTICLE XII

SECTION 12.01 - PERSONAL LEAVE

Each officer shall be entitled to five (5) personal leave days. Personal leave shall be used at the Captain's or Lieutenant's discretion. In order to enable the department to maintain necessary manpower requirements, personal leave must be requested at least twenty-four (24) hours in advance of the requested time-off. This will not preclude the granting of personal leave on less than twenty-four (24) hours notice, upon the approval of the commanding officer. Personal leave will not be granted if the granting of such leave will seriously hamper or impede the operation of the police department.

Personal leave will not be use in less than one-half (1/2) day increments.

Personal leave will be granted upon the priority of the emergency and if no emergency exists, upon the chronological order requested.

Except in case of emergency, request for personal leave on a Saturday, Sunday or holiday will be denied if such leave will reduce manpower below the minimum manpower standards as set by the Chief of Police.

Each Captain or Lieutenant, shall annually elect to credit unused personal leave days to vacation time or accumulated sick leave at the Captain's or Lieutenant's option.

SECTION 12.02 - AUTHORIZED LEAVE

Authorized leave means: personal leave, accumulated compensatory time off, all vacation time and all other authorized time off.

Request for authorized leave shall not be unreasonably denied.

ARTICLE XIII

SECTION 13.01 - SICK LEAVE

Each Captain or Lieutenant except as otherwise provided, shall be entitled to accumulate one and one-half sick days per month to a maximum accumulation of three hundred and thirty-six (336) days.

A female Captain or Lieutenant who is incapable of performing her duties because of maternity disability may utilize accumulated sick leave credits and continue all other benefits under this agreement during such absence.

Maternity leave shall be considered to commence on the date that the officer is no longer capable of performing her duties and shall end on the date that the officer can resume the performance of her regular duties. The officer will be requested or required to bring in a doctor's note to verify the date when she is not capable of performing her duties or when she is capable of returning to work. In addition, she may be required to submit to a physical examination by a doctor of the Town's choice to verify the starting and ending date of such maternity leave.

Each member of the Association shall have the option of selling any accumulated sick leave days in excess of three hundred and thirty-six (336) days back to the Town at the rate of 40 percent per day for 1987 and 45 percent per day for 1988.

SECTION 13.03 - PROCEDURES FOR TAKING SICK LEAVE

Members shall report on sick leave only when suffering from illness or injury that would prevent them from properly performing their duty, or illness in employee's immediate family requiring the care and attention of said employee. The immediate family shall include parents, spouse, children, and step-children.

Members reporting on sick or injured leave shall notify headquarters at least one (1) hour before their scheduled starting time stating the reasons for such sick leave or injured leave and the desk officer will record the information on the sick leave notification book.

Members, when on sick or injured leave, shall not leave their place of residence except to receive medical attention. If it is necessary to leave their place of residence for reasons other than to receive medical attention, headquarters must be notified and authorization must be given by a Ranking Officer. This requirement may be waived by the Chief of Police or his designee upon application based upon the nature of the illness or injury and the waiver will not be unreasonably withheld.

Members will not engage in any outside employment while on sick leave unless permission to do so is granted by the Chief or his designee.

Members on duty who become sick, must report same to his immediate superior officer before reporting off duty and a notation recorded on the attendance roster.

In cases where a total of three (3) working days of sick leave will not be sufficient to overcome an illness, the member will:

- 1.) Submit a notice from his doctor describing the illness or injury; or
- 2.) Submit a written report (from the officer) detailing the nature of the illness and medical care received, these reports and/or doctor's notice will be submitted to the office of the Chief of Police.
- 3.) Members may also be directed by the Chief of Police to submit to a medical examination by a doctor to be designated by the Town.

SECTION 13.04 - SICK BANK

In order to aid Captains or Lieutenants who have suffered a prolonged illness and whose regular sick leave has been exhausted, a sick bank will be established effective upon the signing of this Agreement.

- 1.) Each Captain and Lieutenant must participate in the sick bank by contributing two (2) accumulated sick leave days from his current accumulated sick leave.
- 2.) Each year, Captains and Lieutenants will contribute two (2) additional sick days to the bank, between January 1 and January 30.
- 3.) If at any time, the accumulated number of sick days in the bank falls below seventy-five (75) the Town will contribute a sufficient number of days to bring the total number of sick days, in the sick bank, to seventy-five (75) days.
- 4.) A Captain or Lieutenant who is a participant in the sick bank and who has exhausted all of his/her accumulated sick time, may apply for additional sick leave from the sick bank, created herein, to a committee consisting of the President of the Association and the Supervisor of the Town of Cheektowaga, or their designees.
- 5.) An applicant may be allowed sick leave of absence, debited from the sick bank, provided the committee consents to the application.
- 6.) In the event both members of the committee cannot agree to accept or reject the granting of such sick leave, then the committee shall select a third person, in accordance with the procedure for the selection of an arbitrator, as provided in the Grievance Procedure in this Agreement. The decision of the sick leave bank committee shall be final and binding upon the Town and the applicant.
- 7.) The Town will provide the Association with an accounting of the number of accumulated sick days in the sick leave bank by March 1 of each year.
- 8.) If the sick leave bank is discontinued, unused sick days shall be equally distributed to those members of the sick leave bank, who are members at the time, equally.

SECTION 13.04(a) - SICK LEAVE RECORDS

Each Captain and Lieutenant shall be provided with a record of his accumulated sick leave within sixty (60) days from the beginning of each calendar year.

SECTION 13.05 - WORKMEN'S COMPENSATION BENEFITS

A Captain and Lieutenant who is entitled to receive Workmen's Compensation Benefits shall be paid full pay and the weekly benefits under Workmen's Compensation, which he receives, shall be assigned to the Town. Absence from duty in this event will not be chargeable against sick leave and no other benefits, provided by this agreement, will be lost during this period of time. Absence from duty for work related disability will not be chargeable against sick leave and no other benefits, provided by this agreement, will be lost during such absence.

In the event of a third-party claim, payment of medical expenses and wages will be made pursuant to General Municipal Law, Section 207-c and not pursuant to Workers' Compensation Law, thereby reserving the right of the Town to pursue reimbursement for sums paid to or on behalf of the affected officer, directly from the third-party and not from the officer.

SECTION 13.06 - ILLNESS OF FAMILY MEMBERS

Sick leave shall apply to absence due to illness of a Captain or Lieutenant's immediate family, residing in his household. Immediate family shall mean parents, spouse, children and step-children.

SECTION 13.07 - SICK LEAVE UPON TERMINATION

1. Upon termination of employment, except by discharge, a Captain or Lieutenant or his estate, shall be paid the present value of accumulated sick days, pursuant to this section.

2. In the event of retirement, a Captain or Lieutenant may convert accumulated sick days into value, by written application, signifying his intention, on a form provided by the Town.

3. Upon receipt of such notification, the Town will convert such accumulated sick leave into value by taking the actual cash value of the accumulated sick days and multiplying by the rate of 40%. Beginning January 1, 1988, said value shall be obtained by multiplying by the rate of 45%. The resulting sum shall be paid to the Captain or Lieutenant, or his estate, at his option, exercised in writing in the following manner:

(a). The sum shall be paid to the Captain or Lieutenant as part of his final year's average salary by dividing the sum by the number of pay periods so as to allow for equal distribution over his last year of employment, or

(b). The sum shall be paid to the Captain or Lieutenant on the date of his retirement or termination, or to his estate, within a reasonable time after his death.

4. If a Captain or Lieutenant shall notify the Town of his intention to retire and such notice is given less than one year prior to the date of retirement, the Town will have the option of making a one-time, lump sum payment or of dividing the sum by the number of pay periods, remaining, so as to allow for equal distribution during the remaining time of employment.

(a). If the notice exceeds six (6) months, the conversion shall be in accordance with Paragraph 3(a), above.

(b). If the notice shall be for a period of six (6) months or less, the Captain or Lieutenant's accumulated sick leave shall be converted into value in accordance with Paragraph 3(b), above.

ARTICLE XIV

SECTION 14.01 - EXPENSES

A Captain or Lieutenant who is required to leave the Town, by reason of his Town employment or as part of his official duty, shall be reimbursed for all actual, reasonable, and necessary expenses incurred including meals, if he is absent from the Town during normal mealtime.

A Captain or Lieutenant on official police business will be provided with transportation by the Town and if he is required to use his own vehicle on police business, the officer shall be paid at the current rate per mile driven. In no event will a Captain or a Lieutenant be required to use his own motor vehicle during the normal course of his employment.

ARTICLE XV

SECTION 15.01 - LIFE INSURANCE

The Town will provide each officer with a \$25,000 life insurance policy insuring the officer, without cost, pursuant to the life insurance plan offered through the Police Conference of New York, and it will allow Captain and Lieutenants to exercise the options provided in this program and will comply with the requirements of the same.

SECTION 15.02 - HEALTH INSURANCE

The Town will provide, at its own expense, the following health insurance benefits:

Blue Cross & Blue Shield Insurance, at least equivalent to the 1982-1983 plan;
\$1 million major medical, \$50.00 deductible;
\$1.00 co-pay prescription rider;
Blue Cross & Blue Shield, Basic Rider 8 (Insuring dependants to age 23 years);
Major Medical Rider 8 (\$50 deductible);
Prescription Drug Rider 8 (covering dependents to age 23 years);
Option Two, Vision Care, with Rider 8;
Blue Shield, Basic Rider 4 (covering emergency, accidents, etc.);
Blue Shield, Basic Rider 3 (in-patient visits to 365);
Blue Shield, Basic Rider 12;
Blue Cross and Blue Shield Dental Plan No. 3 with all riders, including Rider No. 8;

If an officer dies while insured by the Town, the Town will provide health insurance benefits for the balance of the calendar year in which the death occurred. The deceased officer's surviving spouse or dependent children may remain in the health insurance program, upon their election, at their own expense.

The Town will continue to provide health insurance for officers who retired after December 31, 1982, and before June 29, 1985 up to age 65 years. Officers who retired prior to that date have the option of participating in the health insurance coverage plan at their own expense.

The Town will continue to provide health insurance for officers who retire after June 29, 1985, including all present health insurance benefits up to age 55 years.

Officers who retire at age 55 years will be provided, without expense, Blue Cross and Blue Shield insurance at least equivalent to the 82-83 Plan, together with XBR, the \$1 million Major Medical with \$50.00 deductible and \$1.00 co-pay prescription rider and Blue Cross and Blue Shield Rider No. 16 (psychiatric care), plus any additional coverage or riders provided to other retired Town employees.

At age 65 years retirees will be provided with Blue Cross and Blue Shield Supplemental Coverage with \$1.00 co-pay prescription rider plus those riders which are provided to other retired Town employees.

SECTION 15.03 - INDEMNIFICATION

The Town will indemnify each Captain and Lieutenant for claims made against him based upon false arrest, false imprisonment, civil rights violations, and other torts within indemnification coverage pursuant to the provisions of Section 50-j of the General Municipal Law and Section 1983 et seq of the United States Code.

ARTICLE XVI

SECTION 16.01 - RETIREMENT BENEFITS

The Town will provide and maintain a non-contributory retirement plan of benefits for Captains and Lieutenants, pursuant to the following provisions of the New York State Retirement and Social Security Law.

The benefits provided in Section 384 f, g, and h to provide what is commonly known as the 1/60th, 25 year retirement plan;

The benefits pursuant to Section 375 (i), more commonly known as the Improved Retirement Benefits;

The benefits pursuant to to Section 302, 9-d, more commonly referred to as the final Average Salary, and Section 360-b, Death Benefit; and

The benefits pursuant to Section 384-d, more commonly known as the 20 year Retirement Plan.

ARTICLE XVII

SECTION 17.01 - ASSOCIATION REPRESENTATIVES

Captains and Lieutenants, who are designated by the Association as representatives, for the purposes of adjusting grievances or assisting in the negotiation or administration of this or future agreements, shall be permitted a reasonable amount of time from their regular duty to fulfill these obligations, when and if so required. Reasonable advance notice shall be given to the head of the department, or his representative, stating, in brief, the reason for such absence. The President of the Association shall be allowed four (4) hours per week for these purposes.

The Association agrees that no more than one (1) member of the Association, plus the President, will request time off, with pay, to conduct the affairs of the Cheektowaga Captains and Lieutenants Association including attendance at Association Meetings. Beginning January 1, 1986, the Vice President will be added to this number.

Whenever possible, a request for time off shall be submitted at least three (3) days prior to the required date, but the parties agree that circumstances may arise which will not permit such notice and in that event time off will be granted upon reasonable request.

Captains and Lieutenants who are designated by the said Association to attend the state-wide conventions and meetings of the Police Conference of New York, Inc. and the Western New York Police Association, Inc., in the pursuance of their profession as Captains and Lieutenants shall be authorized to do so without loss of time or pay. This privilege shall be extended additionally to Captains and Lieutenants of the Western New York Police Association. Additional officers may be

granted the privilege by the Town if functioning of the Police Department in not placed in jeopardy by such attendance as approved by the Department. Captains and Lieutenants who are designated by the Association may attend the state-wide conventions and meetings of the Police Conference of New York, Inc. and the Western New York Police Association, Inc. in pursuance of their profession as police officers: Attendance at such affairs shall be without loss of time or pay. This privilege shall be extended additionally to Captains and Lieutenants of the Western New York Police Association and Captains and Lieutenants of the Erie County Police Captains and Lieutenants Association in order that they can attend their meetings on the same basis. The foregoing is limited in that not more than three (3) Captains and Lieutenants may attend the conventions or meetings under these provisions at any one time.

SECTION 17.02 - ASSOCIATION OFFICES

The Town will allow the Association to install its own telephne; said fees for installation and monthly charges to be borne by the Association, which telephone shall not be connected, in any manner, with the police telephone communication system.

ARTICLE XVIII

SECTION 18.01 - DISCIPLINARY ACTIONS

A Captain and Lieutenant will be given a copy of any warning, reprimand, suspension or disciplinary action entered into his personnel record within two (2) weeks of the action taken.

SECTION 18.02 - RECORD OF COMPLAINTS

No record or reference to a complaint, either departmental or external lodged against a Captain or Lieutenant will be entered into his record if after investigation the complaint is decided, by the Town, to be unfounded.

SECTION 18.03 - SUBSTANCE OF COMPLAINTS

A Captain or lieutenant who has a complaint lodged against him by a citizen shall have the substance of the complaint presented to him in writing.

ARTICLE XIX

SECTION 19.01 - IN SERVICE TRAINING

Any Captain or Lieutenant required to attend in-service training on his off-duty time, shall be compensated for such time at his regular rate of pay with a minimum pay of two (2) hours.

The Town will notify all Captains and Lieutenants, by posting, of law enforcement educational and training opportunities being offered by other departments or other police or educational agencies, so that Captains and Lieutenants who are eligible and who desire to attend may notify their superiors of their interest or desire. The Town will provide the same notice and opportunity as to training opportunities being offered by the Town Police Department.

SECTION 19.02 - TUITION

The Town will pay the full costs of all tuition, books, and other fees for all Captains and Lieutenants, authorized by the Town, who attend school or seminars relating to Police Science courses.

SECTION 19.03 - CIVIL SERVICE EXAMINATIONS

A. The Town may request from the Civil Service Commission a new examination to be held before the expiration date of each promotional list. All existing promotional vacancies are to be filled within a reasonable time after the vacancy occurs and a promotional list is available after the Town declares that a vacancy exists.

B. A vacancy shall exist in the rank of Captain and Lieutenant when the Town Board declares the vacancy. The Town Board shall eliminate the position or declare a vacancy within forty-five (45) days of the retirement or separation of a Captain or Lieutenant.

C. The Town agrees to notify the Association forty-five (45) days in advance of its intent to either cancel the Promotional Civil Service Exam or to request extensions of the Civil Service List.

SECTION 19.04 - TABLE OF ORGANIZATION

The Chief for the purposes of day to day administration will establish a Table of Organization. The design and implementation of said Table of Organization is to be the sole and exclusive prerogative of the Chief of Police. Any said Table of Organization will be established and/or modified when and as the Chief sees fit and will not serve as the foundation for job assignments or classifications. Copies of current Table of Organization will be provided within thirty (30) days of the signing of this Agreement.

ARTICLE XX

SECTION 20.01 - BULLETIN BOARD

The Town will provide one bulletin board at the police station which will be used exclusively for Association notices.

SECTION 20.02 - MEETING ROOM

The Town will continue to provide a meeting room in the police station for use by the Association, without cost, where the Association may transact business and engage in other activities and also store its records and equipment. The meeting room will be furnished by the Association, and the location of the same will be mutually agreed upon by the Town and Association.

SECTION 20.03 - FUND RAISING

The Association may engage in fund raising activities, provided that said activities do not interfere with the efficient operation of the department and do not violate any law, rule or regulation.

ARTICLE XXI

SECTION 21.01 - GRIEVANCE PROCEDURE

A grievance shall mean any difference or dispute, between the parties hereto, as to the interpretation or application of any portion of this Agreement or any administrative act affecting general working conditions.

Step 1 - Any Captain or Lieutenant may present a grievance, orally or in writing, to his immediate supervisor within thirty (30) days of the occurrence and attempt to adjust the matter. If the matter is not satisfactorily adjusted, the Captain or Lieutenant may request a representative of the Association meet with him and his immediate supervisor for the purpose of adjusting the grievance.

Step 2 - If the grievance is not satisfactorily settled under Step 1, the Association's representative may forward the grievance to the Association's Grievance Committee. After review of the grievance, the Association will forward a copy of the grievance to the Chief of Police who will within five (5) calendar days of presentation to him, discuss the matter with the Association's Grievance Committee in an attempt to settle the grievance.

Step 3 - In the event the grievance is not settled under Step 2 above, a report of the grievance will be made by the Association's Grievance Committee and by the Chief of Police and each will furnish their report within five (5) days, to the Town Supervisor or his representative. The Town Supervisor or his representative will discuss the grievance with the Grievance Committee within fifteen (15) calendar days after receipt of the written report.

Step 4 - In the event the matter is not satisfactorily settled, either party may take the matter to arbitration, upon service of written notice to the other party of intention to do so. The notice must be served within thirty (30) calendar days after the close of discussion, and in the event a notice of intention to arbitrate is not filed within thirty (30) days, the matter will be considered closed and not subject to further prosecution.

The arbitration proceeding shall be conducted by an arbitrator to be selected by the Town and the Association within thirty (30) days after notice has been given and from a panel of arbitrators supplied by the New York State Public Employment Safety Relations Board.

The decision of the arbitrator shall be final and binding on the parties, and the arbitrator shall issue his decision within thirty (30) calendar days after the conclusion of testimony and argument unless such time is mutually extended. The arbitrator shall not have the power to amend, modify, or delete any provision of this Agreement.

Expenses for arbitration shall be born equally by the Town and the Association. However, each party shall be responsible for compensating its own representatives who appear. Captains and Lieutenants who appear during their work hours will not suffer any loss of salary or other benefits. If either party desires a recording of the proceedings, it must pay for the cost of the same and make a copy of the same available, without charge, to the other party and to the arbitrator.

SECTION 21.02 - GRIEVANCE COMMITTEE

The Grievance Committee shall consist of five (5) members selected by the Association not more than three (3) of whom shall be permitted to leave work after reasonable notice to their respective supervisors for the purpose of adjusting grievances and to attend required meetings or arbitration in connection with same.

ARTICLE XXII - BILL OF RIGHTS

The provisions of this Article shall not apply to criminal investigations or investigations of possible criminal activity or violations.

SECTION 22.01 - TIME OF INTERROGATION

The interrogation of Captains and Lieutenants shall be conducted at reasonable hours, preferably, when the officer is on duty, and if not on duty during daylight hours, unless the exigencies of the investigation dictate otherwise.

SECTION 22.02 - IDENTIFICATION OF INVESTIGATING OFFICERS

A Captain or Lieutenant who is under investigation for a matter which would not constitute a crime, must be informed of the name of the officer in charge of the investigation and the names of the officers who will be conducting any portion of interrogation or investigation.

SECTION 22.03 - INFORMATION REGARDING INVESTIGATION

A Captain or Lieutenant must be informed of the nature of an investigation before any interrogation begins. The information must be sufficient to reasonably inform him of the investigation which is being conducted.

SECTION 22.04 - LENGTH OF INTERROGATION

Interrogation shall be completed with reasonable dispatch. Reasonable rest periods will be allowed and time will be provided for personal necessities, meals, telephone calls, and rest periods as reasonably required.

SECTION 22.05 - COERCION

A Captain or Lieutenant shall not be subjected to offensive language and shall not be threatened with transfer, dismissal, or other disciplinary punishment. No promise or reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing a Captain or Lieutenant that his conduct may be subject to other disciplinary action with resultant disciplinary punishment.

SECTION 22.06 - RIGHT TO COUNSEL

A Captain or Lieutenant who is under investigation has the right to have a representative of the Association present and also has the right to the presence of an attorney, with him, during any questioning, hearing, or interrogation.

SECTION 22.07 - RECORDING OF INTERROGATION

Interrogation of a Captain or Lieutenant for any disciplinary investigation will be recorded, either mechanically or by a stenographer, and there will be no off-the-record statements.

SECTION 22.08 - ADVISE OF CONSTITUTIONAL RIGHTS

If any Captain or Lieutenant is the subject or target of a disciplinary investigation, he shall be advised of his constitutional rights.

SECTION 22.09 - FURNISHING OF COPIES

A Captain or Lieutenant under investigation will be furnished with a copy of any statement he has signed or made, or of any proceedings that have been recorded, in any manner.

SECTION 22.10 - POLYGRAPH

Captains and Lieutenants will not be given polygraphic examinations.

SECTION 22.11 - NON-WAIVER OF CONSTITUTIONAL RIGHTS

No Captain or Lieutenant will be required to or requested to waive constitutional rights granted under the United States or the New York State Constitution.

SECTION 22.12 - HEARING OFFICER

In the event the Town elects to select a hearing officer, pursuant to Section 75 of the Civil Service Law, who is not either a Town employee or Town official, then, in that event, the hearing officer will be mutually selected by the Town and by the Captain or Lieutenant who is charged. If the parties are unable to agree upon a hearing officer, or if the hearing officer agreed upon is, or becomes unable to or unwilling to act, then the parties shall mutually apply to Special Term of the New York State Supreme Court for the appointment of a hearing officer.

ARTICLE XXIII

SECTION 23.01 - LEAVE OF ABSENCE

Captains and Lieutenants may be granted leave of absence, with or without pay, as provided for in the Civil Service Law of the State of New York.

SECTION 23.02 - NON-DISCRIMINATION

There will be no discrimination with respect to race, color, creed, sex, political persuasion, or because of a Captain or Lieutenant engaged in Association activities. All Captains and Lieutenants shall receive the full protection of all of the provisions herein.

SECTION 23.03 - PAYROLL DEDUCTION

The Town will provide a payroll savings and U.S. Savings Bond deduction plan and make it available for all Captains and Lieutenants who desire the same.

ARTICLE XXIV

SECTION 24.01 - MANAGEMENT RIGHTS

All of the authority, rights, and responsibilities possessed by the Board and not covered by this Agreement are retained by it, including but not limited to,

the right to determine the mission, purposes, objectives, and policies of the Board; to determine the facilities, methods, means, and number of personnel required for conduct of Board programs; to administer the examination, selection, recruitment, hiring, appraisal, training, retention, promotions, assignments or transfer of employees, pursuant to law; to direct, deploy, and utilize the work force; to establish specifications for each class of positions, and to classify or re-classify and to allocate or re-allocate new or existing positions, in accordance with law; and to discipline or discharge employees, in accordance with law, and within the provisions of this Agreement.

SECTION 24.02 - CONFORMITY TO LAW

If any section, sub-section, sentence, clause, phrase, or any portion of this Agreement is, for any reason, held to be invalid or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement.

SECTION 24.03 - TERMS OF AGREEMENT

This Agreement, except as may be hereafter modified in writing, by both parties, shall become effective January 1, 1987 (retroactively) and remain in force until December 31, 1988, or until such time as a subsequent Agreement becomes effective.

SECTION 24.06 - PROFESSIONAL CONDUCT

In order to maintain good order and morale, each nonsupervising officer shall treat each supervising officer with proper respect and accord. Failure to comply will not be grounds for a grievance against the Town.

ARTICLE XXV

SECTION 25.01 - RENEWAL OF AGREEMENT

The parties agree that renewal of this Agreement shall commence on or about the completion of negotiations by the Town of Cheektowaga Police Club, Inc.

SECTION 25.02 - PAST PRACTICE

This Agreement shall supercede conflicting rules, regulations, or practices heretofore existing. Established practices not specifically covered herein, shall continue in full force and effect.


SECTION 25.03 - ENTIRE AGREEMENT

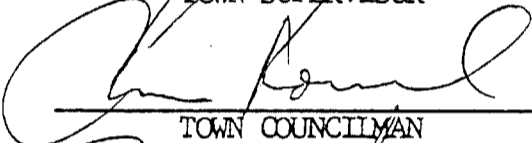
This Agreement constitutes the entire Agreement between the parties.

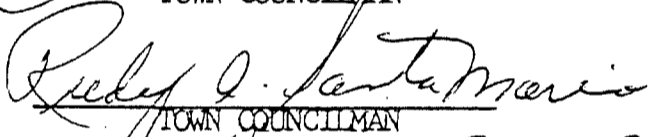
IN WITNESS WHEREOF, the parties hereto have set their hands and seals
this _____ day of _____, 19__.

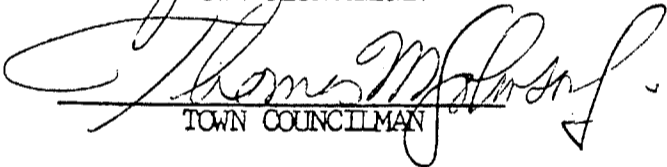
TOWN OF CHEEKTOWAGA:

BY:

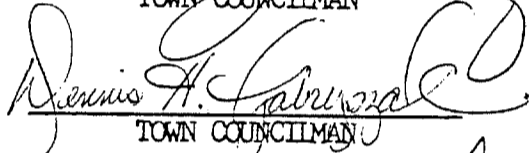

TOWN SUPERVISOR

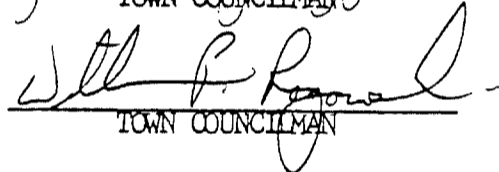

TOWN COUNCILMAN


TOWN COUNCILMAN

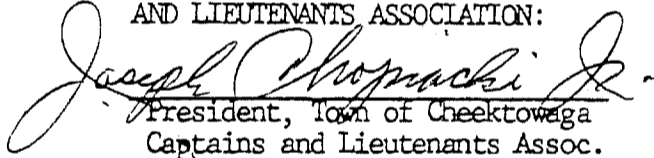

TOWN COUNCILMAN


TOWN COUNCILMAN


TOWN COUNCILMAN


TOWN COUNCILMAN

TOWN OF CHEEKTOWAGA CAPTAINS
AND LIEUTENANTS ASSOCIATION:


President, Town of Cheektowaga
Captains and Lieutenants Assoc.

Item No. 4a Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, bids for the rental of paving rollers were duly received and opened on June 15, 1987, and

WHEREAS, the Superintendent of Highways has reviewed such bids and has requested that all such bids be rejected, NOW, THEREFORE, BE IT

RESOLVED that the bids received and opened on June 15, 1987 for the rental of paving rollers be and hereby are rejected.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 4b Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, by resolution dated July 6, 1987, this Town Board advertised for one (1) new 1988 Medium-Duty Truck fitted with a 12' utility body, and

WHEREAS, such resolution and accompanying invitation to bidders should have stated 1987-88 as the model year of such truck since the price list for 1988 models is not yet available, NOW, THEREFORE, BE IT

RESOLVED that the bids received and opened on July 20, 1987 for the aforementioned truck be and hereby are rejected.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 5 Motion by Councilman Kowal, Seconded by Councilman Rogowski

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) New and Unused 1987-88 Model Medium-Truck Fitted with a 12' Utility Body for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227 between the hours of 8:00 A.M. and 3:30 P.M. Monday thru Friday and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on August 3rd, 1987 in the Council Chambers of the Town of Cheektowaga.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on August 3, 1987, at 11:00 A.M. for

ONE (1) NEW AND UNUSED 1987-88 MODEL MEDIUM-DUTY TRUCK
FITTED WITH AT 12' UTILITY BODY

No. 17

No. 18

Item No. 5 cont'd

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga, New York 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked "SEALED BIDS FOR ONE TRUCK w/UTILITY BODY".

Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Kwandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... JUL 23 1987..... ;
last publication..... JUL 23 1987..... ;
and that no more than six days intervened be-
tween publications.

Mary Kwandowski.....

Sworn to before me this 23rd.....

day of July....., 19..87..

..... *Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

No. 17
No. 18

**LEGAL NOTICE
NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN**

THAT sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on August 3, 1987, at 11:00am, for
ONE (1) NEW AND UNUSED 1987-88 MODEL MEDIUM-DUTY TRUCK FITTED WITH A 12' UTILITY BODY.

In order to be considered, all bids must be filled with the undersigned Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga, New York 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked "SEALED BID FOR ONE TRUCK W/UTILITY BODY".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

RICHARD M. MOLESKI
Town Clerk
PUBLISH: July 23, 1987

Item No. 6a Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, the contract for the installation of Air Conditioning at the Senior Citizens Center was awarded to B.H. Refrigeration, Inc. on May 4, 1987 for the total sum of \$54,500.00, and

WHEREAS, it has been determined by the Coordinator of Senior Services and the Director of the Facilities Department that there is need to provide an additional cooling system for the kitchen facility at said Senior Citizens Center, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 1 for a total increase to the original contract price of \$3,630.00 to B.H. Refrigeration, Inc., 818 Elmwood Avenue, Buffalo, New York 14222-1499, to provide and install an additional cooling unit for the kitchen area be approved, and BE IT FURTHER

RESOLVED that the Supervisor is hereby directed to sign said Change Order No. 1 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 6b Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, on May 4, 1987 this Town Board awarded the contract for the Reconstruction of Pfohl Road in the amount of \$473,519.70 to Northeast Diversification, and

WHEREAS, the contractor had to remove and re-lay at .25% grade, 212 lineal feet of 12" perforated pipe from Station 17+28 left to Station 19+40 left, at an additional cost of \$10.30/L.F. for a total cost of \$2,183.60, and

WHEREAS, the Town Engineer, the consulting firm of Tallamy, Van Kuren, Gertis & Associates and the Project Engineer, Mr. Rudy Bogacki, recommended approval of Change Order #1, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approve Change Order #1 at an additional cost of \$2,183.60 to the contract of Northeast Diversification, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized and directed to sign said Change Order #1 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 6c Motion by Councilman Rogowski, Seconded by Councilman Kowal

WHEREAS, on November 3, 1986, this Town Board awarded the contract for the reconstruction of Town Park Road for the total sum of \$269,000.00 to M. Falgiano Construction Company, and

WHEREAS, construction started in November, 1986 as required by the contract and was completed as scheduled on June 6, 1987 prior to the opening of the Cheektowaga Town Park, and

WHEREAS, Change Order #2 reflects as-built measured field quantities for the entire project at an additional cost of \$3,620.00, and

Item No. 6c cont'd

WHEREAS, the Town Engineer, the consulting firm of Nussbaumer & Clarke, Inc. and the Project Engineer, Mr. Rudy Bogacki, recommended approval of Change Order #2 in the amount of \$3,620.00, NOW, THEREFORE, BE IT

RESOLVED that Change Order #2 for a total increase to the original contract price of \$3,620.00 to M. Falgiano Construction Company, Inc., 95 Leslie Street, Buffalo, New York 14211, be approved, and BE IT FURTHER

RESOLVED that the Supervisor is hereby directed to sign said Change Order #2 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 7a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, on January 16, 1981, the Town of Cheektowaga entered into a Lease Agreement with Ada Tatu, owner of _____, to use a portion of her property for a recreation corridor, and

WHEREAS, Ms. Tatu is in the process of selling her property and has requested permission to terminate this lease, and

WHEREAS, other property owners in the area of the recreation corridor have previously exercised their right to terminate their leases with the Town, and

WHEREAS, the Director of the Office of Community Development has stated that he has no objection to the termination of Ms. Tatu's lease, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees with Ms. Tatu's request to terminate her lease with the Town concerning her property located at _____, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute any papers necessary to effectuate such lease termination.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 7b Motion by Councilman Jaworowicz, Seconded by Councilman Santa Maria

WHEREAS, the Town will receive funding from the U.S. Department of Housing and Urban Development under the Housing Community Development Act of 1974, as amended for the 1987-88 Program Year, and

WHEREAS, one of the purposes of said act is to expand and improve the quality and quantity of community services which are essential for sound community development and for the development of viable urban communities, and

WHEREAS, the Housing Assistance Center of Niagara Frontier, Inc., located at 1233 Main Street, Buffalo, New York, 14209 has submitted a proposal to the Town for the provision of such services for Town residents, including but not limited to comprehensive housing counseling, rent delinquency and mortgage default counseling, and provision of information to low and moderate income residents, and

WHEREAS, funding for the provision of such services has been included in the Town's 1987-88 Community Development Block Grant Application, NOW, THEREFORE, BE IT

Item No. 7b cont'd

RESOLVED that the Town Supervisor be and hereby is authorized to sign an Agreement with the housing Assistance Center of Niagara Frontier, Inc., for the provision of said services, and BE IT FURTHER

RESOLVED that the fee paid to the Housing Assistance Center be in the amount of \$9,000, said amount to be paid from Fiscal Year 1987-88 Community Development Block Grant Funds.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 7c Motion by Councilman Jaworowicz, Seconded by Councilman Santa Maria

WHEREAS, the Town of Cheektowaga has submitted an application to the Department of Housing and Urban Development for Community Development Block Grant Funds for the 1987-88 Program Year, and

WHEREAS, the Department of Housing and Urban Development has approved a grant of CDBG funds to the Town for said Program Year totaling \$689,000, and

WHEREAS, it is necessary to execute a Grant Agreement with the Department of Housing and Urban Development for said funds, NOW, THEREFORE, BE IT

RESOLVED that the Town Supervisor be and hereby is directed to execute the attached Grant Agreement and Funding approval between the Town and the Department of Housing and Urban Development for the receipt of said Community Development Block Grant funds for the 1987-88 Program Year.

* See next four (4) pages for Grant Agreement

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Funding Approval
Under Title I of the Housing and Community
Development Act of 1974 (Public Law 93-383) as Amended

HI-00515R

U.S. Department of Housing
 and Urban Development

Community Development
 Block Grant Program



1. Name of Grantee Town of Cheektowaga	2. Grant No. B-87-MC-36-0009
3. Grantee's Address (Include Street, City, County, State and Zip Code) Mr. Daniel E. Weber Supervisor, Town of Cheektowaga Broadway & Union Roads Cheektowaga, NY 14227 Erie County	4. Date of Submission 4/30/87 5. Date of HUD Receipt of Submission 5/1/87 Date Grantee Notified JUN 15 1987 Start of Program Year 5/20/87 6. <input checked="" type="checkbox"/> Original Funding Approval <input type="checkbox"/> Amendment, Amendment No. _____

All section references below are to the Housing and Community Development Act of 1974, as amended, unless otherwise indicated.

7. Category of Community Development Block Grant for This Funding Action

(Check only one)

- a. Entitlement (Sec. 106(b))
- b. HUD Administered Small Cities (Sec. 106) (d) (2) (B)
- c. Secretary's Discretionary (Sec. 107)

8. Amount of Community Development Block Grant	FY _____	FY _____	FY 87 _____
a. Amount of CDBG Funds Currently Reserved for this Grantee	\$ _____	\$ _____	\$ 689,000
b. Amount of CDBG Funds Now Being Approved for this Grantee	\$ _____	\$ _____	\$ 689,000
c. Amount of Reservation to be Cancelled (Line 8a minus 8b)	\$ _____	\$ _____	\$ -0-

HUD ACCOUNTING USE ONLY

BATCH	TAC	PROGRAM	Y	A	REG	AREA	DOCUMENT NO.	PROJECT NUMBER	S
1	1 5 3 1 7 6	9	12	13	14	16	7 0 8 2	23 30 35	
CATEGORY	AMOUNT 1	EFFECTIVE DATE	F	AMOUNT 2	SCHEDULE NO.				
38	41 45 50	54	60	61 65 70	74 79				

9. Distribution of Community Development Block Grant	FY _____	FY _____	FY 87 _____
a. Grant amount withheld for payment of principal and interest on loans guaranteed pursuant to Sec. 108	\$ _____	\$ _____	\$ -0-
b. Grant amount deducted by HUD to settle outstanding Urban Renewal Loans (Sec. 112 (a)(1))	\$ _____	\$ _____	\$ -0-
c. Sum of lines 9a, and 9b	\$ _____	\$ _____	\$ -0-
d. Amount of CDBG Funds available for disbursement (Line 8b minus 9c)	\$ _____	\$ _____	\$ 689,000

10. Amount of Surplus Urban Renewal Funds approved and balance available (Sec. 112(b))

- a. Amount of surplus U.R. Funds reserved for this grantee \$ -0-
- b. Amount of surplus U.R. Funds now being approved \$ -0-
- c. Balance of surplus U.R. Funds available for future use (Line 10a minus 10b) \$ -0-

Previous Editions are Obsolete

HUD-7082 (12-83)
 24 CFR 570

HUD ACCOUNTING USE ONLY

BATCH	TAC	PROGRAM	Y	A	REG	AREA	DOCUMENT NO	PROJECT NUMBER — S
1	1 5 3 1 7 6						7 0 8 2	
4		9	12	13	14	16	18	23 30 35
CATEGORY	AMOUNT 1	EFFECTIVE DATE			F	AMOUNT 2	SCHEDULE NO	
38		54	60	61	65	70	74	79

11. Maximum amount of loan guarantee commitment available and amount now being approved.

N/A

a. Grantee's latest entitlement amount — \$ _____ x 3 \$

b. Principal amount of outstanding loans pursuant to Section 108 \$

c. Amount of outstanding loan guarantee commitments approved pursuant to Section 108 \$

d. Maximum amount of loan guarantee commitment available (Line 11a minus 11b, and 11c) \$

e. Amount of loan guarantee commitment now being approved \$

12. Recipient of loan guarantee (Check applicable box)

- a. Grantee identified in block No. 1
- b. Public Agency designated to receive loan guarantee (Name and address)

13. Special conditions (Check applicable box)

- a. Not applicable
- b. Attached

U.S. Department of Housing and Urban Development

By Joseph B. Lynch
Manager, 2.2S

Title _____

Date JUN 05 1987

13 (b) SPECIAL CONDITIONS

a. Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

b. Notwithstanding any other provisions of the Grant Agreement, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974 which supersede or are not provided for in the HUD program regulations shall govern the use of the assistance provided until revised regulations implementing such requirements are published for effect.

**Grant Agreement and Loan
Guarantee Acceptance Provisions**

U.S. Department of Housing
and Urban Development

Community Development
Block Grant Program



Grant Agreement

This Grant Agreement is made by and between the Department of Housing and Urban Development (HUD) and the Town of Cheektowaga, New York, (the Grantee) pursuant to the authority of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended. The Grantee's submissions for Title I assistance and the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), which are incorporated by reference, together with the HUD Funding Approval Form 7082 and any special conditions, which are hereto attached, constitute part of the Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, HUD and the Grantee agree as follows:

Subject to the provisions of this Grant Agreement, HUD will make the funding assistance for Fiscal Year 19 87 specified in the attached HUD Funding Approval Form 7082 available to the Grantee upon execution of the Agreement by the parties. The obligation and utilization of the funding assistance provided is subject to the requirements of the regulations and any special conditions set forth in the HUD Funding Approval Form 7082, including the requirement for a release of funds by HUD under the Environmental Review Procedures at 24 CFR Part 58 for any activities requiring such release.

The Grantee agrees to comply with all applicable requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) as specified in regulations issued by the Secretary and published in 24 CFR Part 42.

The Grantee further agrees to assume all of the responsibilities for environmental review, decision making and actions, as specified and required in regulations issued by the Secretary pursuant to section 104(f) of the Act and published in 24 CFR Part 58.

The Grantee further agrees to accept responsibility for adherence to the Agreement by subrecipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development

By Joseph B. Lynch
Manager, 2.2S

Title _____
Date JUN 05 1987

The Grantee the Town of Cheektowaga, New York

By Daniel C. Decker
Title Supervisor
Date 7/21/87

Loan Guarantee Acceptance Provisions N/A

(Use only for Section 108 Loan Guarantee Assistance to designated public agency)

The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on _____ with respect to grant number _____, as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

Name of Public Agency/Grantee

Signature of Authorized Official

Title

Title

Item No. 7d Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga will sponsor a Polish-American Festival from August 21st thru August 23, 1987; and

WHEREAS, the Town of Cheektowaga wishes to engage the services of various performing artists and craftsmen for said Festival, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to sign all agreements on behalf of the Town necessary to secure the services of various performing artists and craftsmen.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 7e Motion by Councilman Rogowski, Seconded by Councilman Kowal

WHEREAS, the New York State Council on the Arts has approved a grant of \$5,000 for the Town's 1987 Polish-American Arts Festival, and

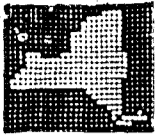
WHEREAS, it is necessary for the Town to enter into a Cultural Services Contract with the State for the receipt of said funds, NOW, THEREFORE, BE IT

RESOLVED that the Town Supervisor be and hereby is authorized and directed to execute the attached Cultural Services Contract with the New York State Council on the Arts for the receipt of said grant funds.

* See next four (4) pages for Cultural Services Contract

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak



New York State
Council on the Arts

915 Broadway
New York, NY 10010

Cultural Services Contract

This contract made June 17, 1987, by and between the New York State Council on the Arts, whose offices are located at New York, NY (hereinafter referred to as "COUNCIL") and

RECEIVED
SEP 10 PM 2:17
CHEEK TOWNSHIP
TOWN CLERK

SECRETARIAN NO# C830199
7. TOWN OF CHEEKTOWAGA PRI:
TOWN HALL DGR: 8706
BROADWAY & UNION RDS
CHEEKTOWAGA, NY 14227
County of: ERIE
716-686-3400

(hereinafter referred to as "CONTRACTEE").
The COUNCIL and the CONTRACTEE agree as follows:

1. SERVICES TO BE PERFORMED AND CONTRACT PERIOD. On the basis of the application submitted to the COUNCIL by the CONTRACTEE, including all attachments and additions thereto, and upon the representations, undertakings, and agreements of the CONTRACTEE set forth herein, the COUNCIL hereby purchases from the CONTRACTEE, and the CONTRACTEE hereby agrees to perform the following described services in accordance with the terms and conditions contained in this Contract, to commence no earlier than
JANUARY 1, 1987 and shall be completed no later than December 31, 1987:

FN/FLK A7171 PRESENTATION \$ 5000
FOR: ARTISTS' FEES & EXPS, PROMO & PUBL; POLISH TRAD. CRAFTS AT FESTIVAL

TOTAL AMOUNT FOR THIS CONTRACT \$5000

2. PAYMENT BY COUNCIL. Providing the CONTRACTEE abides by the terms and conditions of this Contract, in consideration of the services performed, the Council agrees to pay the CONTRACTEE the sum of \$5000 as follows:
\$5000 payable after final approval of this contract upon submission to the COUNCIL of a signed Standard New York State Voucher. The balance of \$ _____, shall be payable after _____, 19____.

3. ABILITY OF CONTRACTEE TO PERFORM. The CONTRACTEE acknowledges that the undertaking by the COUNCIL to purchase the services described herein is made in reliance on the application submitted by the CONTRACTEE, on all material supplied by the CONTRACTEE in connection with such application, and on a determination based upon a review of the financial information and proposed budget submitted, that the CONTRACTEE will be able to satisfactorily perform the contracted-for services described in paragraph 1) hereof. Accordingly, the CONTRACTEE agrees to notify the COUNCIL immediately in writing if there is any change in the facts, estimates, or projections contained in the application or material submitted to the COUNCIL, including, but not limited to, change in any item of receipts or expenditures, change in personnel, or change in or discontinuance of any operation or program conducted or projected to be conducted by the CONTRACTEE. The CONTRACTEE agrees that should any such change occur, and the COUNCIL in its sole discretion determines that such change will impede or impair the CONTRACTEE's ability to perform the contracted-for services or serve the interests of the people of the State of New York, the COUNCIL shall have the right to terminate this Contract.

4. REPORTS AND RECORDS. The CONTRACTEE agrees to submit such reports as may be requested by the COUNCIL, in such form as the COUNCIL may prescribe, relating to the CONTRACTEE's services and the performance thereof and the CONTRACTEE's ability to fulfill its obligations under this Contract. In addition, the CONTRACTEE shall supply a final report on such forms as the COUNCIL may prescribe and documentation of performance and/or exhibit within 90 days after expiration of the Contract. The CONTRACTEE shall maintain complete, accurate, and current records of all income and expenses relating to its operations and the services performed pursuant to this Contract. During the term of this Contract and at any time within six years thereafter, the CONTRACTEE shall make such records available upon request to the COUNCIL and the State of New York (hereinafter referred to as "State") for review and audit. The COUNCIL and the State shall have the right, upon reasonable notice and at reasonable times, to inspect the books and records of the CONTRACTEE, its offices and facilities, for the purpose of verifying information supplied to the COUNCIL or for any other purpose reasonably related to monitoring the services to be performed by the CONTRACTEE.

5. OWNERSHIP OF PROPERTY. All personal property, including equipment, purchased with funds provided by the COUNCIL under this Contract shall be held "in trust" for the COUNCIL. Upon written demand, any such property specified by the COUNCIL shall be immediately delivered to the COUNCIL. The COUNCIL reserves the right to specify the procedures to be adopted by the CONTRACTEE in acquiring personal property with funds provided by the COUNCIL.

6. STUDY AND TRAVEL. No funds provided under this Contract may be used for study or travel outside New York State.

7. DISALLOWANCE OF PAYMENTS.

A. In addition to its right to terminate this Contract as provided for in paragraph 4) above, the COUNCIL shall have the right to terminate this Contract in the event it determines that the CONTRACTEE:

- (i) has misrepresented any fact or supplied any false or misleading information to the COUNCIL in its application, supporting material or reports concerning performance of services; or
- (ii) has diverted any payments made under this Contract to a purpose other than performance of the contracted-for services in the manner the CONTRACTEE has represented; or
- (iii) has failed to maintain or provide any records or reports required to be maintained or provided; or
- (iv) has failed to abide by any other term or condition of this Contract; or if the COUNCIL determines that the CONTRACTEE will be unable to satisfactorily perform all or any part of the contracted-for services or any of the CONTRACTEE's obligations or duties under this Contract.

In addition to the COUNCIL's right to terminate as aforesaid, upon the occurrence of any of the facts enumerated in (i) through (iv), it may disallow in whole or in part any payments not yet made by it, and require the CONTRACTEE to refund any payments made by the COUNCIL under this Contract. The foregoing remedies of the COUNCIL are in addition to any other remedies provided by law, and all such remedies shall be cumulative and not exclusive.

B. In addition, if the COUNCIL determines that the termination of this Contract in whole or in part is in the best interests of the people of the State of New York, it may terminate this Contract by notice to the CONTRACTEE, which notice shall state the effective date of such termination. Upon termination of this Contract under the foregoing condition stated in this subparagraph B), the COUNCIL shall pay to the CONTRACTEE the costs actually incurred up to the date of termination, plus any costs directly resulting from such termination; provided, however, that in no event shall the aggregate of such payments, together with payments previously made to the CONTRACTEE under this Contract, exceed the value of the contracted-for services performed by the CONTRACTEE up to the date of termination plus the costs resulting from such termination, or the total amount provided to be paid to the CONTRACTEE under paragraph 3) of this Contract, whichever is less.

8. RECOGNITION OF COUNCIL SUPPORT. In any program or printed material advertising, announcing, or describing the services for which the COUNCIL has been contracted under this Contract, or in any publication, film, videotape, exhibition, or visual material produced as a result of or in connection with the performance by the CONTRACTEE of the above-described services, the CONTRACTEE shall prominently credit the COUNCIL's assistance. Such credit shall be listed separately from any other recognition of non-governmental support. Copies of any material containing the required credit shall be submitted to the COUNCIL as soon as may be reasonably practicable.

9. REPRODUCTION OF MATERIAL. The COUNCIL reserves a non-exclusive license to reproduce for State purposes, without further payment, any publishable or otherwise reproducible material resulting from the performance of the contracted-for services.

10. INDEPENDENT CONTRACTOR AND THIRD PARTIES. The CONTRACTEE shall not represent to any person, foundation, group, organization, or government entity that it is acting as agency for the COUNCIL or the State or that it is entitled in any way to act on behalf of the COUNCIL or the State, or to incur obligations on behalf of the COUNCIL or the State. Nothing contained in this Contract shall create or give to third parties any claim or right of action against the COUNCIL.

11. ADDITIONAL REGULATIONS.

- I. This Contract may not be assigned by the CONTRACTEE or its right, title or interest therein assigned, transferred, conveyed, sublet or disposed of without the previous consent, in writing, of the COUNCIL.
- II. This Contract shall be deemed executory only to the extent of money available to the COUNCIL for the performance of the terms hereof and no liability on account thereof shall be incurred by the COUNCIL beyond moneys available for the purpose thereof.
- III. The CONTRACTEE specifically agrees, as required by Labor Law, Sections 220 and 220-d, as amended, that:
 - (a) no laborer, workman or mechanic, in the employ of the CONTRACTEE, subcontractor or other person doing or contracting to do the whole or any part of the services contemplated by the Contract shall be permitted or required to work more than eight hours in any one calendar day or more than five days in any one week, except in the emergencies set forth in the Labor Law.
 - (b) the wages paid for a legal day's work shall be not less than the prevailing rate of wages as defined by law.

- (c) the minimum hourly rate of wages to be paid shall not be less than that stated in the specifications, and any redetermination of the prevailing rate of wages after the Contract is approved shall be deemed to be incorporated herein by reference as of the effective date of redetermination and shall form a part of these Contract documents.
- (i) The Labor Law provides that the Contract may be forfeited and no sum paid for any work done thereunder on a second conviction for willfully paying less than—
- (a) the stipulated wage scale as provided in Labor Law, Section 220, subdivision 3, as amended or
 - (b) less than the stipulated minimum hourly wage scale as provided in Labor Law, Section 220-d, as amended.
- IV. The CONTRACTEE specifically agrees, as required by the provisions of the Labor Law, Section 220-e, as amended, that:
- (a) in hiring of employees for the performance of work under this Contract or any subcontract hereunder, or for the manufacture, sale or distribution of materials, equipment or supplies hereunder, no CONTRACTEE subcontractor nor any person acting on behalf of such CONTRACTEE or subcontractor, shall by reason of race, creed, color, sex, or national origin discriminate against any citizen of the State of New York who is qualified and available to perform the work to which the employment relates.
 - (b) no CONTRACTEE, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this Contract on account of race, creed, color, sex or national origin.
 - (c) there may be deducted from the amount payable to the CONTRACTEE by the COUNCIL under this Contract a penalty of five dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the Contract, and
 - (d) this Contract may be canceled or terminated by the COUNCIL and all moneys due or to become due hereunder may be forfeited for a second or any subsequent violation of the terms or conditions of this section of the Contract, and
 - (e) the aforesaid provisions of this section covering every Contract for or on behalf of the COUNCIL for the manufacture, sale or distribution of materials, equipment or supplies shall be limited to operations performed within the territorial limits of the State of New York.
- V. During the performance of this contract, the CONTRACTEE agrees as follows:
- (a) The CONTRACTEE will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status.
 - (b) If directed to do so by the Commissioner of Human Rights, the CONTRACTEE will send to each labor union or representative of workers with which the CONTRACTEE has or is bound by a collective bargaining or other agreement or understanding, a notice, to be provided by the State Commissioner of Human Rights, advising such labor union or representative of the CONTRACTEE's agreement under clauses (a) through (g) (hereinafter called "non-discrimination clauses"). If the CONTRACTEE was directed to do so by the contracting agency as part of the bid or negotiation of this contract, the CONTRACTEE shall request such labor union or representative to furnish a written statement that such labor union or representative will not discriminate because of race, creed, color, sex, national origin, age, disability or marital status, and that such labor union or representative will cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of these non-discrimination clauses and that it consents and agrees that recruitment, employment and the terms and conditions of employment under this contract shall be in accordance with the purposes and provisions of these non-discrimination clauses. If such labor union or representative fails or refuses to comply with such a request that it furnish such a statement, the CONTRACTEE shall promptly notify the State Commissioner of Human Rights of such failure or refusal.
 - (c) If directed to do so by the Commissioner of Human Rights, the CONTRACTEE will post and keep posted in conspicuous places, available to employees and applicants for employment, notices to be provided by the State Commissioner of Human Rights setting forth the substance of the provisions of clauses (a) and (b) and such provisions of the State's laws against discrimination as the State Commissioner of Human Rights shall determine.
 - (d) The CONTRACTEE will state, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTEE, that all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, sex, national origin, age, disability or marital status.
 - (e) The CONTRACTEE will comply with the provisions of Sections 290-299 of the Executive Law and with the Civil Rights Law, will furnish all information and reports deemed necessary by the State Commissioner of Human Rights under these non-discriminatory clauses and such sections of the Executive Law, and will permit access to the CONTRACTEE's books, records and accounts by the State Commissioner for the purposes of investigation to ascertain compliance with these non-discrimination clauses and such sections of the Executive Law and Civil Rights Law.
 - (f) This contract may be forthwith canceled, terminated or suspended, in whole or in part, by the COUNCIL upon the basis of a finding made by the State Commissioner of Human Rights that the CONTRACTEE has not complied with these non-discrimination clauses, and the CONTRACTEE may be declared ineligible for future contracts made by or on behalf of the State or a public authority or agency of the State, until the CONTRACTEE satisfies the State Commissioner of Human Rights that the CONTRACTEE has established and is carrying out a program in conformity with the provisions of these non-discrimination clauses. Such finding shall be made by the State Commissioner of Human Rights after conciliation efforts by the Commissioner have failed to achieve compliance with these non-discrimination clauses and after a verified complaint has been filed with the Commissioner, notice thereof has been given to the CONTRACTEE and an opportunity has been afforded the CONTRACTEE to be heard publicly in accordance with the Executive Law. Such sanctions may be imposed and remedies invoked independently of or in addition to sanctions and remedies otherwise provided by law.
 - (g) The CONTRACTEE will include the provisions of clauses (a) through (f) in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to operations to be performed within the State of New York. The CONTRACTEE will take such action in enforcing such provisions of such subcontract or purchase order as the State Commissioner of Human Rights or the COUNCIL may direct, including sanctions or remedies for non-compliance. If the CONTRACTEE becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the State Commissioner of Human Rights or the contracting agency, the CONTRACTEE shall promptly so notify the Attorney General, requesting the Attorney General to intervene and protect the interests of the State of New York.
- VI. The agreement shall be void and of no force and effect unless the CONTRACTEE shall provide coverage for the benefit of, and keep covered during the life of this agreement, such employees as are required to be covered by the provisions of the Worker's Compensation Law.
- VII. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law and the regulations of the Comptroller of the State of New York promulgated thereunder, the CONTRACTEE agrees, as a material condition of the contract.
- (a) That neither the contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the provisions of the United States Export Administra-

tion Act of 1969, as amended, or the Export Administration Act of 1979, as amended, or the regulations of the United States Department of Commerce promulgated thereunder;

(b) That if the CONTRACTEE or any substantially owned or affiliated person, firm, partnership or corporation has been convicted or subjected to a final determination by the United States Department of Commerce or any other appropriate agency of the United States of a violation of the United States Export Administration Act of 1969, as amended, or the Export Administration Act of 1979, as amended, or the regulations of the United States Department of Commerce promulgated thereunder, the CONTRACTEE shall notify the Comptroller of such conviction or determination in the manner prescribed by the Comptroller's regulations.

12. **ENTIRE CONTRACT.** This Contract, together with the Application Form, including submitted budgets, as modified or revised with the approval of the COUNCIL and any other approved supplements to any of the above, constitutes the entire Contract between the parties hereto. No statement, promise, condition, understanding, inducement, or representation, oral or written, express or implied, which is not contained herein shall be binding or valid, and this Contract shall not be changed, modified, or altered in any manner except by an instrument in writing executed by the parties hereto.

13. **VALIDITY OF CONTRACT.** This Contract shall not be deemed executed, valid, or binding unless and until it has been properly signed on behalf of the parties hereto and duly approved by the Attorney General and the Comptroller of the State of New York.

IN WITNESS WHEREOF, the parties have executed the above instrument, as of the date and year first above written.

For the CONTRACTEE

By: *[Signature]*
Title: *Supervisor*
Date: *7/31/87*

NEW YORK STATE COUNCIL ON THE ARTS

By: *K.T.O. [Signature]*
Title: Director, Arts Contracts Administration
Date: *8/12/87*

ACKNOWLEDGEMENT

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

On this _____ day of _____, 19_____, before me personally appeared _____, to me known, who being duly sworn, did depose and say that he/she resides in _____ and is _____ of the _____, the organization described in and which executed the foregoing instrument; that he/she knew the seal of said organization; that the seal affixed to said instrument was such organization seal; that it was so affixed by the order of the organization's board and that he/she signed his/her name thereto by like order.

Notary Public

Item No. 8 Motion by Councilman Santa Maria, Seconded by Councilman Jaworowicz

WHEREAS, National Advertising Co. has requested permission to erect one double sided 10ft. X 24 ft. billboard sign at 3893 Broadway, said sign to be erected on a single steel pole, have a maximum height of 25 ft. above grade and be set back a minimum of 25 ft. from the front lot line, and

WHEREAS, said application was referred to the Building Inspector of the Town of Cheektowaga, and

WHEREAS, said Building Inspector has recommended approval of the sign application, NOW, THEREFORE, BE IT

RESOLVED that National Advertising Co. be and is hereby granted permission to erect the aforementioned billboard sign in the manner as specified above.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 9 Motion by Councilman Kowal, Seconded by Councilman Jaworowicz

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, and

WHEREAS, Robert E. Mariacher, the developer of the Gardenville Industrial Park, has submitted the required Public Improvement Permit application, plans and specifications, and permit fee for improvements to be constructed within Phase I of this development, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be approved for Phase I of the Gardenville Industrial Park Development, and BE IT FURTHER

RESOLVED that drainage easements are to be filed for Phase I of this development in the Erie County Clerk's Office prior to acceptance of the related improvements to be constructed under the Public Improvement Permit.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 10a Motion by Councilman Kowal, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated July 6, 1987, this Town Board authorized Town Justice John V. Rogowski and Town Court personnel Robert Kapron and Maureen Corkins to attend Judicial Education Seminars in Canton, New York at the end of July, 1987,

WHEREAS, the Town Justice John V. Rogowski, for medical reasons, is unable to attend the Judicial Education Program from July 27-31, 1987, and

WHEREAS, the seminar for Court personnel was stated to be July 27th-28th, 1987 in such resolution and instead should have read July 28th-29th, NOW, THEREFORE, BE IT

RESOLVED that the first "RESOLVED" paragraph of the aforementioned resolution be and hereby is deleted, and BE IT FURTHER

RESOLVED that the second "RESOLVED" paragraph in the aforementioned resolution be amended by deleting therefrom "July 27th and 28th" and by inserting in its place "July 28th and 29th", and BE IT FURTHER

MEETING NO. 16
July 20, 1987

Item No. 10a cont'd

RESOLVED that such resolution be amended to allow Town court personnel Robert Kapron and Maureen Corkins one-half day travel time on July 27th and 30th to go to and from such seminar.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 10b Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, this Town Board, in its resolution of July 6, 1987, engaged the professional services of Grant Appraisals and Research Corporation to prepare property appraisals for 79 and 85 Mafalda Drive, and

WHEREAS, the resolution, as submitted, incorrectly stated the cost of said appraisals, NOW, THEREFORE, BE IT

RESOLVED that the resolution hiring Grant Appraisals and Research Corporation, One Towne Centre, Audubon-Amherst, New York 14228, be and hereby is amended to authorize the preparation of property appraisals for 79 and 85 Mafalda Drive at a total cost not to exceed \$3,000.00 for both parcels.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 11 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated May 18, 1987, this Town Board requested the Director of the Cheektowaga Public Library to conduct a feasibility study on locating a full-service library in the southeast section of Town, and

WHEREAS, the Board of Trustees of the Cheektowaga Public Library has recommended that the Town hire August Jubulis to conduct such feasibility study, and

WHEREAS, Mr. Jubulis has experience in preparing feasibility studies for libraries in Erie and surrounding counties, and

WHEREAS, Mr. Jubulis has submitted a proposal for preparing a feasibility study, a copy of which is attached hereto, NOW, THEREFORE, BE IT

RESOLVED that August Jubulis be and hereby is hired by this Town Board to prepare a feasibility study for a full-service library in the southeast section of Town, in accordance with Phase I of his attached proposal dated July 6, 1987.

* See next three (3) pages for proposal

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

AUGUST S. JUBULIS AIA ARCHITECT

247 MCKINLEY AVE. BUFFALO, NEW YORK 14217 (716) 876-1416

PROPOSAL

July 6, 1987

To: Town of Cheektowaga
Cheektowaga, New York

Re: The Feasibility Study For A Permanent Library In
The Southeast Part Of The Town Of Cheektowaga.

Phase One:

1. A study of demography, projected to (20) twenty years from this date, for the two areas in question.
2. A study of the effect that a new library at either location will have on the existing library network.
3. Site requirements for the proposed library.
4. Site analysis of the two areas in question.
5. Make presentations, in a form of maps and written reports, to the Town Board.

Phase Two:

1. Preliminary plans and details for the proposed library .
2. Preliminary cost of the proposed library.
3. Color rendering of the proposed building.
4. All other incidental work outlined in AIA Document #B141, Schematic Design Phase and Design Development Phase (copy of document enclosed).

Fee Proposal:

- A. Phase One: For all services outlined above the cost will be Lump Sum amount of Three Thousand Nine Hundred and 00/100, (\$3,900.00)
- B. Phase Two: For all services outlined above the cost will be Lump Sum amount of Four Thousand Eight Hundred and 00/100, (\$4,800.00).

AUGUST S. JUBULIS AIA ARCHITECT

247 MCKINLEY AVE. BUFFALO, NEW YORK 14217 (716) 876-1416

ADDENDUM TO THE PROPOSAL

July 6, 1987

In a normal conduct of services the following Phases would be required to complete the project:

Phase Three:

1. Working drawings showing the entire project with Architectural, Structural, Plumbing, Heating-Air-Conditioning, Electrical Furnishings and Furniture.
2. Specifications giving detailed technical requirements of all the products involved in the construction along with workmanship, scheduling, insurance and other requirements.
3. Detailing and specifying all the necessary requirements for any alternate proposals that may come up.
4. Other essential and incidental services listed in the AIA Document #B141, Construction Documents Phase and Bidding or Negotiations Phase (Copy of Document enclosed).
5. Fee for Phase Three Services to be 6.2% of total construction cost less the cost of Phase Two service (\$4,800.00).

Phase Four:

1. Visit job regularly, at least once every week when work is performed.
2. Conduct job meetings for all contractors, at least once every month.
3. Check and coordinate all of the submittals and shop drawings.
4. Check and process all the contractors applications for payment.
5. All other services listed in AIA Document #B141, Construction Phase-Construction Contract (Copy of Document enclosed).
6. Fee for Phase Four services to be 1.1% of

AUGUST S. JUBULIS AIA ARCHITECT

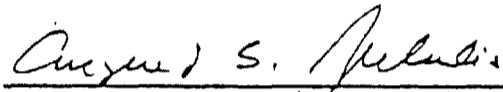
247 MCKINLEY AVE. BUFFALO, NEW YORK 14217 (716) 876-1416

Addendum To The Proposal Continued:

July 6, 1987

Phase Four:

6. the total construction cost.


August S. Jubulis, Architect

- End Of Proposal -

MEETING NO. 16
July 20, 1987

Item No. 12a Motion by Councilman Rogowski, Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

<u>Parks Division - #01-007110-1-0-1491-001</u>	<u>Effective</u>
Joseph Lenartowicz	8/15/87
Kevin Przepiora	Immediately

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 12b Motion by Councilman Kowal, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal Employees in the Departments listed:

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT</u>	
Kathleen Dillemoth	Immediately
Barbara Kaminski	Immediately
Lynn Pfohl	Immediately
Carol Taber	Immediately
<u>MAIN PUMP STATION</u>	
John Johnson	8/5/87
Joseph Mazur	8/5/87
<u>JUSTICE COURT</u>	
Kristen Eldridge	5/29/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 13a Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1987 summer program:

	<u>Effective</u>
<u>Parks Division - #01-007110-1-0-1491-001 - \$3.35 per hour</u>	
Bruce Blachowski	Immediately
Felix Lampke	Immediately
<u>Street Lighting Division - #02-905182-1-0-1492-001</u>	
Joseph Coffta	Immediately
Fran Strong	Immediately

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

MEETING NO. 16
July 20, 1987

Item No. 13b Motion by Councilman Johnson, Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-Time Employees in the various Departments and at the rates listed:

<u>MAIN PUMP STATION - Seasonal - \$4.00 per hour</u>	<u>EFFECTIVE</u>
Leroy Linkner	7/20/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 14 Motion by Councilman Rogowski, Seconded by Councilman Kowal

BE IT RESOLVED that the following individual be terminated, due to his resignation, effective immediately:

Recreation Supervisor (Counselor III) \$3.50 (7310.1802)
Mark Mac Bain 14206

and BE IT FURTHER

RESOLVED that the following individual be hired as an alternate for the Cheektowaga Conservation Corps. (7310.1812) at the rate of \$3.35 per hour:

Jeff Sikorski 14227

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 15a Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, Robert Ciesielski, an employee in the Central Garage Department has applied for a Military Leave of absence from August 1, 1987 through August 15, 1987, 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, said section 242 of the Military Law also provided 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 Robert Ciesielski, an employee in the Central Garage is granted a military leave of absence from August 1, 1987 through August 15, 1987

RESOLVED that Robert Ciesielski, be paid his salary or other compensation while on such military leave.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

MEETING NO. 16
July 20, 1987

Item No. 15b Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, Taras P. Kulyk, an employee in the Cheektowaga Highway Department, has requested an unpaid personal leave of absence from August 3, 1987 thru October 30, 1987, in accordance with Article 9 of the Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby grants Taras Kulyk a personal leave of absence, without pay, from August 3, 1987 thru October 30, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 16 Motion by Councilman Rogowski Seconded by Councilman Kowal

WHEREAS, the Association of New York State Youth Bureaus is conducting its annual summer training session at Vassar College, Poughkeepsie, New York, Sunday, July 26 through Wednesday, July 29, 1987,

BE IT RESOLVED that Kenneth J. Kopacz, Executive Director of the Cheektowaa Youth Bureau, be permitted to attend the said training session and be reimbursed for all necessary travel expenses not to exceed \$300.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 17 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following budget transfers are hereby approved for the 1987 budget year.

PART TOWN FUND

FROM: 08-599.00 (Appropriated Fund Balance)	\$ 2,000.00
TO: 08-3620.4411 (Bldg. & Plumbing - Refund of Permits & Fees)	\$ 2,000.00

SPECIAL DISTRICT FUND

FROM: 02-858160.4469 (Sanitation-Landfill)	\$ 11,964.28
TO: 02-858160.4089 (Sanitation-Recycling)	\$ 1,964.28
02-858160.4186 (Sanitation-Tolls)	\$ 10,000.00

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: 1

Item No. 18 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to July 20th, 1987 are hereby approved and made a part hereof.

Item No. 18 Cont'd

FUND	AMOUNT
GENERAL FUND	\$ 326,366.69
SPECIAL DISTRICT FUND	102,860.88
HIGHWAY FUND	139,939.95
FEDERAL REVENUE SHARING FUND	10,179.22
CAPITAL FUND	134,335.04
TRUST AND AGENCY FUND	7,276.91
HUD-CDBG FUND	13,810.89
PART TOWN FUND	7,200.06
DEBT SERVICE FUND	9.75
HUD REHABILITATION FUND	5,627.00
	<u>\$ 747,606.39</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Cheektowaga Planning Board - minutes of June meeting
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 20 Letter from Assemblyman Dennis Gorski regarding Revenue Sharing
reform
Received and Filed.

Item No. 21a NOTICE OF CLAIM - Walter Maleck vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Robert Lis,
Chief of Police; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 21b NOTICE OF CLAIM - Mr. & Mrs. Frank Penksa vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Kathy Butsch,
Secretary, Patriotic Commission; Laverack & Haines, Insurance
Carrier.
Received and Filed.

Item No. 21c NOTICE OF CLAIM - Mr. & Mrs. Mark Penksa vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Kathy Butsch,
Secretary, Patriotic Commission; Laverack & Haines, Insurance
Carrier.
Received and Filed.

Item No. 21d NOTICE OF CLAIM - Helen Fifagrowicz vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Alfred Wnek,
Highway Superintendent; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 21e NOTICE OF CLAIM - James M. Shaw vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Alfred Wnek, Highway Superintendent; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 22 Summons & Complaint from County of Erie regarding Penny Losel, infant & Helen Willard vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Alfred Wnek, Highway Superintendent; Jos. J. Naples, Insurance Carrier.
Received and Filed.

Item No. 23 Petition from residents of Strasbourg Drive requesting speed limit be reduced
Copies were sent to: Daniel E. Weber, Supervisor; Town Board Members; Cheektowaga Traffic Safety Commission; Robert Lis, Chief of Police.
Received and Filed.

Item No. 24a Letter from residents wishing to address board regarding construction presently being done on Walden Avenue
Copies were sent to: Daniel E. Weber, Supervisor; Town Board Members.
Received and Filed.

Item No. 24b Letter from residents wishing to address board regarding Howard Johnson Motel on Dingens Street
Copies were sent to: Daniel E. Weber, Supervisor; Town Board Members.
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilman Rogowski, Seconded by Councilman Johnson to suspend the rules to include the following three (3) items.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria

NAYES: 0

ABSENT: Councilman Gabryszak

* * * * *

Item No. 25 Motion by Councilman Kowal, Seconded by Councilman Jaworowicz

WHEREAS, the Town is periodically involved in contract negotiations and labor disputes with the Town of Cheektowaga Police Club, Inc. and the Town of Cheektowaga Captains and Lieutenants Association, and

WHEREAS, it is necessary for the Town to hire experienced labor counsel to advise this Board and the Police Department on police labor matters, and

WHEREAS, the Board has received proposals from various law firms for non-litigation and litigation services, and

WHEREAS, Jaeckle, Fleischmann & Mugel, a firm specializing in labor law, has submitted a proposal to the Town, which proposal this Board is in favor of accepting, NOW, THEREFORE, BE IT

Item No. 25 cont'd

RESOLVED that the firm of Jaeckle, Fleischmann & Mugel be and hereby is retained by this Town Board to handle labor matters with the aforementioned police unions, on an hourly basis in accordance with the attached proposal letter.

* See next three (3) pages for proposal

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

JAECKLE, FLEISCHMANN & MUGEL

ATTORNEYS AT LAW

NORSTAR BUILDING TWELVE FOUNTAIN PLAZA BUFFALO, NEW YORK 14202-2222

716-856-0600

EDWARD G. PIWOWARCZYK
PARTNER

February 18, 1987

Kevin G. Schenk, Esq.
Deputy Town Attorney
Town of Cheektowaga
Town Hall
Broadway and Union
Cheektowaga, New York 14227

RECEIVED
FEB 19 1987
TOWN ATTORNEY.

Re: Town Labor Counsel

Dear Mr. Schenk:

Thank you for your recent inquiry concerning the possibility of retaining our firm to act as labor counsel to the Town of Cheektowaga. As a partner in our firm's labor and employment law practice area involved most with our public sector clients, I have enclosed my resume. It should be additionally noted that within the public sector, I have had extensive experience in dealing with police departments on the county, town and village levels.

By way of general background, Jaeckle, Fleischmann & Mugel is engaged in the general practice of law, with several specialty areas, including corporate, labor, employee pension and welfare benefits, tax, estates, real estate, and litigation. The clientele of the firm include a large commercial bank, numerous corporations, both public and closely held, individuals, charitable institutions, various towns, villages, cities, school districts and other governmental sub-divisions.

The firm's Labor and Employment Department has four partners, including myself and two associates, servicing the various labor employment law clients of the firm. Our practice runs a full gamut of labor relations employment matters, including:

1. Advising clients on human relations practices, including advice concerning and drafting of employee handbooks, discipline procedures and the like, as well as advising clients on maintaining employee morale.

BATAVIA OFFICE: TEN ELLICOTT STREET BATAVIA, NEW YORK 14020-0566 716-344-1317

WASHINGTON OFFICE 2000 PENNSYLVANIA AVENUE N W SUITE 3700 WASHINGTON D C 20006 202-429-9700

Kevin G. Schenk, Esq.
February 18, 1987
Page Two

2. Handling of representation proceedings where labor organizations seek to represent certain employees of the client.

3. With respect to clients whose employees are represented by a labor organization, advising and representing those clients in negotiations and collective bargaining agreements.

4. Again, with respect to those clients whose employees are represented by a labor organization, advising those clients in the administration of the collective bargaining agreements and representation of those clients in arbitration proceedings.

5. Advising and representing clients in the defense of claims of discrimination brought under State or Federal law.

6. Advising clients with respect to preparation of administration of affirmative action programs under either State or Federal affirmative action orders and statutes applicable to Federal or State contractors.

7. Advising clients in handling proceedings with respect to various State and Federal laws pertaining to employment, such as Wage and Hour Laws, Occupational Safety and Health Act, and similar statutes and regulations regulating employment.

The clients of the Labor and Employment Law Department consist of employers with relatively few employees to employers with several thousand employees. Types of employers include businesses, banks, educational and charitable institutions, and governmental sub-divisions.

While it is undoubtedly immodest to say so, I believe that the people in our law firm, especially in the Labor and Employment Law Department, are among the best in the practice based on both academic credentials and practical experience.

Should the Town desire to retain our services, I will be the lead and responsible attorney handling all matters. We would propose that we be retained on an hourly basis at the rate of \$80.00 per hour for all matters outside of litigation and \$100.00 per hour for matters that are litigated.

No. 17

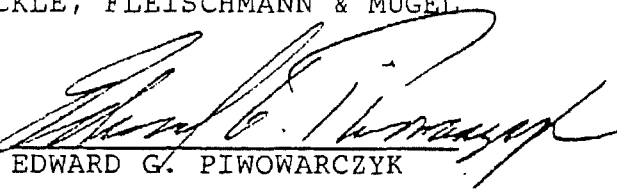
Kevin G. Schenk, Esq.
February 18, 1987
Page Three

If there are any questions or if you need additional information, please do not hesitate to call me. I stand ready to meet with you or any members of the Town Board to discuss this matter in further detail. Thank you again for your inquiry.

Very truly yours,

JAECKLE, FLEISCHMANN & MUGEL

By:


EDWARD G. PIWOWARCZYK

EGP/las
Enclosure

Item No. 26 Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, the Pyramid Companies (the "applicant") has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, this Town Board, by resolution, accepted the Draft Environmental Impact Statement submitted by the applicant and held a public hearing on same on July 15, 1987, and

WHEREAS, at and after such public hearing, questions and concerns were presented to this Town Board which this Board and other involved agencies feel should be addressed by the applicant in the Environmental Impact Statement, and

WHEREAS, the State Environmental Quality Review Act permits the Town, as lead agency, to require that the developer prepare and submit to this Board for its review Supplemental Environmental Impact Statements, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requires the applicant to submit a Supplemental Environmental Impact Statement to this Board addressing the following:

1. alternative sites and configurations
2. various matters and deficiencies noted in the NYS Department of Environmental Conservation letter dated July 16, 1987
3. testimony before the Town Board at the public hearing held on July 15, 1987, including, but not limited to the following:
 - effects upon the Cheektowaga Central School complex adjacent to the DEIS project site
4. All other items as will be required by this Town Board upon its further deliberation and review of all comments.

and BE IT FURTHER

RESOLVED that such Supplemental Environmental Impact Statement shall be subject to the same public input and review process as the Draft Environmental Impact Statement.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 27 Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, this Town Board's policy concerning development within floodplains and floodways is stated in Chapters 30 and 82 of the Code of the Town of Cheektowaga, and

WHEREAS, such policy holds generally that there will be no development within a floodplain since such encroachment may increase flood heights and cause damage to property as well as being a potential threat to the health and safety of the residents of this Town, and

WHEREAS, additionally the Town Board, by virtue of State law, has the management, custody and control of Town lands and property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby reiterates its policy against allowing development within floodplains and floodways, and BE IT FURTHER

RESOLVED that this Town Board hereby also states its policy of denying the use of Town-owned land by private developers for the purpose of alleviating the flood potential effects of private construction within a floodplain or floodway, and BE IT FURTHER

No. 17

Item No. 27 cont'd

RESOLVED that it is the policy of this Town Board that any activity on Town property within floodplain boundaries shall be reserved solely for the mitigation of flooding potential affecting existing development within the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, and Santa Maria
NAYES: 0
ABSENT: Councilman Gabryszak

Item No. 28 Motion by Supervisor Weber, Seconded by Councilman Santa Maria to adjourn the meeting in memory of Stanley and Julia Becker.

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 3rd day of August, 1987 at 7:00 o clock P.M., Eastern Daylight Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Don Wegner, Chairman of Zoning Board of Appeals; Chester Bryan, Town Engineer; Pat Wojcik, Recreation Director-Senior Citizens; Alfred Wnek, Highway Superintendent; Robert Lis, Chief of Police; Michael Miecznikowski, Recreation Director; Ron Marten, Building and Plumbing Inspector; Sal LaGreca, Employment and Training Director II; Earl Loder, Coordinator of Disaster Preparedness; Ray Pugh, Member of Planning Board.

I. RESOLUTIONS

Item No. 2a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga presently has in effect a Flood Damage Ordinance, and

WHEREAS, changes in Federal legislation and regulations for the National Flood Insurance Program have been enacted which mandate that this Town amend its floodplain management regulations, and

WHEREAS, should the Town not amend its Flood Damage Prevention Ordinance, this community would be subject to automatic economic sanctions, and

WHEREAS, the Department of Environmental Conservation has forwarded a Model Local Law for Flood Damage Prevention to the Town, and

WHEREAS, such local law has been reviewed and recommended for adoption by the Town Engineering Department, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held on the 17th day of August, 1987 at 7:00 P.M. at the Cheektowaga Town Hall to consider the advisability of repealing the Town Flood Damage Control Ordinance and enacting, in its place, a Local Law for Flood Damage Prevention, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES on August 6, 1987.

Item No. 2a cont'd

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga, on the 17th day of August, 1987 at 7:00 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to repeal the Town Flood Damage Control Ordinance (Chapter 30 of the Code of the Town of Cheektowaga) and to enact Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention." A brief description of Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention." A brief description of Local Law No. 1 of the Year 1987 is as

Town of Cheektowaga
Local Law No. 1 of the Year 1987
A local law

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

A copy of the complete text of "Local Law No. 1 of the Year 1987" shall be 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.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

..Mary Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... AUG 6 - 1987 ;
last publication..... AUG 6 - 1987 ;
and that no more than six days intervened be-
tween publications.

..Mary Lewandowski.....

Sworn to before me this 6th

day of August, 19..87..

..... Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga, on the 17th day of August, 1987 at 7:00 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to repeal the Flood Damage Control Ordinance (Chapter 30 of the Code of the Town of Cheektowaga) and to enact Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention." A brief description of Local Law No. 1 of the year 1987 is as follows:

Town of Cheektowaga
Local Law No. 1 of the Year 1987

A local law

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is an area of special flood hazard; and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

A copy of the complete text of "Local Law No. 1 of the year 1987" shall be 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
NEW YORK
RICHARD M. MOLESKI
Town Clerk**

PUBLISH: August 6, 1987.

MEETING NO. 17
August 3, 1987

Item No. 2b Motion by Councilman Santa Maria, Seconded by Councilman Jaworowicz

WHEREAS, Deborah A. Van Der Puy has made application and requested a Special Use Permit for family day care home and nursery school, for property located at 32 Joanne Lane, said applicant being owner of aforementioned property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 17, 1987 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 Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication..... AUG 6 - 1987 ;
last publication..... AUG 6 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski.....

Sworn to before me this6th.....
day ofAugust....., 19..87..

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1987

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 17th day of August 1987 at 6:30 o'clock, P.M. Eastern Daylight Savings time of said day for the purpose of considering the application of Deborah A. Van Der Puy for a special permit to use property for family day care home and nursery school on property located at 32 Joanne Lane 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.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot number 15, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows: **BEGINNING** at a point in the westerly line of Joanne Lane, said westerly line of Joanne Lane being a continuation northerly in a straight line of the westerly line of Joanne Lane as shown on a map files with the Erie County Clerk's Office under Cover Number 2079, said point of beginning being distant 235 feet northerly from the northeast corner of Subdivision Lot Number 11, Cover Number 2079; running thence northerly along the said westerly line of Joanne Lane 70 feet to a point; running thence westerly at right angles 110 feet to a point; running thence southerly parallel with the westerly line of Joanne Lane 70 feet to a point; thence easterly at right angles 110 feet to the point or place of beginning.

BEING AND INTENDED to be the same premises which were conveyed from Cayuga Masonry Corp. to Cesare A. Lullia and Judith M. Lullia, his wife, by deed dated April 5, 1963, and recorded in the Erie County Clerk's Office in Liber 6873 of Deeds at Page 626 on April 5, 1963.

BY ORDER OF THE TOWN BOARD

Supervisor: Daniel E. Weber
Councilman:

Thomas M. Johnson, Jr.
William P. Rogowski
Patricia A. Jaworowicz
Christopher J. Kowal
Dennis H. Gabryszak
Rudy A. Santa Maria

RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 6, 1987

Item No. 3a Motion by Councilman Santa Maria, Seconded by Councilman Johnson

WHEREAS, Robert D. Alonzo, agent for Benderson Development Co., Inc. has petitioned for the rezoning from RA-Apartment District to M1-Light Manufacturing District of property owned by it and located at 760 Dick Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of July, 1987 at 6:30 o'clock P.M., after publication and services of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the rezoning of 760 Dick Road from RA-Apartment District to M1-Light Manufacturing District would change the character of the neighborhood; would constitute spot zoning; decrease the value of adjoining properties; and adversely affect the health and safety of Town residents (via increases in traffic, air pollution and noise), NOW, THEREFORE, BE IT

RESOLVED that the Application of Robert D. Alonzo, agent for Benderson Development Co., Inc. for the rezoning from RA-Apartment District to M1-Light Manufacturing District of the property specified in the attached legal description be and the same is hereby denied.

* See next page for description.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

JOB NUMBER 13035
DRAFT DESCRIPTION
DICK RD., CHEEKTOWAGA, N.Y.

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 12, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the intersection of the west line of Dick Road (100 feet wide) and the south line of the west Shore Railroad; thence southeasterly along the west line of Dick Road (100 feet wide), 59.92 feet to a point; thence continuing along the west line of Dick Road, 300.48 feet to a point; thence continuing along the west line of Dick Road (66 feet wide) 101.35 feet to a point; thence west at right angles to the west line of Dick Road 171.03 feet to a point; thence south 51 feet to a point in the north line of Map Covers Nos. 1219 and 2109; thence west along the north line of Map Covers Nos. 1219 and 2109, 163.93 feet to a point; thence northwesterly 452.24 feet to a point in the south line of the West Shore Railroad; thence northeast along the south line of the West Shore Railroad, 310.75 feet to the point or place of beginning.

Excepting and reserving there from all that part of said land which was conveyed to the County of Erie by Deed recorded in the Erie County Clerk's office in Liber 7808 of Deeds Page 405 known as parcel No. 52.

Also subject to easements and restrictions of Record.

Item No. 3b Motion by Councilman Johnson, Seconded by Councilman Santa Maria

WHEREAS, Mother of Divine Grace Church has petitioned for the rezoning from R-Residential District to RS-Senior Citizen Housing District of property owned by it and located at 520 Maryvale Drive, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of July, 1987 at 6:30 o'clock P.M. after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, provided

1. applicant eliminates the fence on the west and south property lines, and
2. applicant restricts parking to allow for emergency vehicle access in the event of an emergency at either the school or the housing

NOW, THEREFORE, BE IT RESOLVED that the application of Mother of Divine Grace Church for the rezoning from R-Residential District to RS-Senior Citizen Housing District of the property specified in the attached legal description be and the same is hereby approved contingent upon the applicant complying with the recommendations made by the Town Environmental Advisory Committee, and BE IT FURTHER

RESOLVED that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

* See next page for legal description

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

ALL THAT TRACT OR PARCEL OF LAND, located in the Town of Cheektowaga, County of Erie and State of New York being part of Lot 26, Township 10 and Range 7 of the Holland Land Company's Survey more particularly described as follows:

Commencing at a point in the north line of Maryvale Drive at the intersection of the west line of North Service Road, running northeast 54.8 feet along said road to a point; thence continuing northerly along said road 201.8 feet to a point, being the place of beginning; thence westerly making an interior angle of $89^{\circ}41'12''$, 245.03 feet to a point; thence northerly at right angles 142.60 feet to a point; thence easterly at right angles 244.25 feet to a point in the westerly line of said road; thence southerly along the westerly line of said road 142.60 feet to the point or place of beginning.

Reserving all rights in and to a gas well and gas lines located on the premises together with the right to enter on the property for the purpose of repairing said well and gas lines.

Reserving rights in and to the use of utility lines crossing the premises and serving other lands of the Grantor. An easement is hereby granted to the Grantor over utility lines owned by Grantor serving the above-described property and located on adjoining lands owned by the Grantor.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication..... AUG 6 - 1987 ;
last publication..... AUG 6 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski.....

Sworn to before me this6th.....
day ofAugust....., 19..87..

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
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 3rd day of August 1987, at 7:00 o'clock p.m. Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber

Councilman: Thomas M. Johnson Jr.
Councilman: William P. Rogowski
Councilman: Patricia A. Jaworowicz
Councilman: Christopher J. Kowal
Councilman: Dennis H. Gabryszak
Councilman: Rudy A. Santa Maria

ABSENT: 0

Motion by: Councilman Johnson
Seconded by: Councilman Santa Maria

WHEREAS, Mother of Divine Grace Church has petitioned for the rezoning from R-Residential District to RS-Senior Citizen Housing District of property owned by it and located at 520 Maryvale Drive, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such a petition was held before this Town Board on the 20th day of July 1987 at 6:30 o'clock p.m., after publication and services of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, provided

1. applicant eliminates the fence on the west and south property lines, and

2. applicant restricts parking to allow for emergency vehicle access in the event of an emergency at either the school or the housing

NOW, THEREFORE, BE IT RESOLVED, that the application of Mother of Divine Grace Church for the rezoning from R-Residential District to RS-Senior Citizen Housing District of the property specified in the attached legal description be and the same is hereby approved contingent upon the applicant complying with the recommendations made by the Town Environmental Advisory Committee, and, **BE IT FURTHER**

RESOLVED, that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

ALL THAT TRACT OR PARCEL OF LAND, located in the Town of Cheektowaga, County of Erie and State of New York being part of Lot 26, Township 10 and Range 7 of the Holland Land Company's Survey more particularly described as follows:

Commencing at a point in the north line of Maryvale Drive at the intersection of the west line of North Service Road, running northeast 54.8 feet along said road to a point; thence continuing northerly along said road 201.8 feet to a point, being the place of beginning; thence westerly making an interior angle of 89 degrees, 41', 12", 245.03 feet to a point; thence northerly at right angles 142.60 feet to a point; thence easterly at right angles 244.25 feet to a point in the westerly line of said road; thence southerly along the westerly line of said road 142.60 feet to the point or place of beginning.

Reserving all rights in and to a gas well and gas lines located on the premises together with the right to enter on the property for the purpose of repairing said well and gas lines.

Reserving rights in and to the use of utility lines crossing the premises and serving other lands of the Grantor. An easement is hereby granted to the Grantor over utility lines owned by Grantor serving the above-described property and located on adjoining lands owned by the Grantor.

Upon roll call.....

Supervisor Weber, Voting AYE

Councilman Johnson, Voting AYE

Councilman W.P. Rogowski, Voting

AYE

Councilman Jaworowicz, Voting AYE

Councilman Kowal, Voting AYE

Councilman Gabryszak, Voting AYE

Councilman Santa Maria, Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

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 3, 1987 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 appear at item No. 3b, 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 3rd day of August 1987.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 6, 1987

MEETING NO. 17
August 3, 1987

Item No. 4 Motion by Councilman Rogowski, Seconded by Councilman Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the provision of air conditioning in the Senior Citizens Center Banquet Room and the Losson Community Center Meeting Room, which bids were duly received and opened on April 22, 1987, and

WHEREAS, the bid for the installation of an air conditioning system in the Senior Citizens Center Banquet Room was awarded by Town Board resolution dated May 4, 1987, which bid required that funding originally intended for the Losson Park Community Center Meeting Room air conditioning had to be transferred to meet the cost of the Senior Citizens Center air conditioning bid, and

WHEREAS, funds are no longer available for the provision of air conditioning at the Losson Park Community Center Meeting Room at this time, NOW, THEREFORE, BE IT

RESOLVED that the bids as received and opened on April 22, 1987 for the provision of air conditioning at the Losson Park Community Center Meeting Room be and hereby are rejected for lack of funding.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 5 Motion by Councilman Rogowski, Seconded by Councilman Gabryszak

WHEREAS, this Town Board, by resolution dated June 15, 1987, awarded contracts for reroofing of various Town buildings to Joseph Sanders & Son, McGonigle & Hilgere Roofing and All Weather Roofing, and

WHEREAS, the award for the Dartwood Community Center roof repair was awarded to All Weather Roofing, 510 Ellicott Road, Cheektowaga, New York 14227 at their low bid price of \$1,000.00, and

WHEREAS, said All Weather Roofing requests that the Town rescind his bid and award the bid to the next lowest bidder, Joseph Sanders & Son, 99-117 Lathrop Street, P.O. Box 814, Buffalo, New York 14212 at their original bid price of \$1,067.00 with the understanding that All Weather Roofing will reimburse the Town \$67.00, said being the difference between their bid and that of Joseph Sanders & Son, and

WHEREAS, Joseph Sanders & Son agrees to accept the Dartwood Community Center reroofing at their original bid price of \$1,067.00, and

WHEREAS, the Town Engineer and the consulting firm of Trautman Associates recommend the above mentioned change in contracts, NOW, THEREFORE, BE IT

RESOLVED that this Town Board accepts the recommendation and rescinds the award as made to All Weather Roofing for the Dartwood Community Center roof repair contract provided that said All Weather Roofing Company submits payments to the Town in the amount of \$67.00 as agreed to and noted in the letter of July 30, 1987 from Trautman Associates, Consulting Engineers, and BE IT FURTHER

RESOLVED that the contract for roof repair at the Dartwood Community Center be and hereby is awarded to Joseph Sanders & Son at their bid price of \$1,067.00, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreement with Joseph Sanders & Son for the roof repair at the Dartwood Park Community Center.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 6a Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, bids were duly received on June 29, 1987 as a result of advertisement for the purchase of one (1) 1/2 yard loader and trailer for the Sanitation Department, and

WHEREAS, bids were referred to the Town Engineer 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 29, 1987, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of one (1) 1/2 yard loader and trailer for the Sanitation Department, as recommended by the Town Engineer, is hereby awarded to Buffalo Bobcat, Inc., 4747 Genesee Street, Cheektowaga, New York 14225 for submitting the lowest bid in the amount of \$19,385.00, said bid meeting the requirements of the specifications.

* See next page for letter

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0



Town of Cheektowaga

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

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-686-3447
716-686-3448

July 29, 1987

TO SUPERVISOR WEBER AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Award of Bid
½ Yard Loader/Trailer
Sanitation Department

Gentlemen:

At a public bid opening held on June 29, 1987, bids were received and publicly opened for the purchase of one (1) ½ yard loader and trailer for the Sanitation Department. Four (4) bids were received and are as follows:

BIDDER	ITEM I ½ Yard Loader	ITEM II Trailer	TOTAL BID
Monroe Tractor	\$15,935.00	\$2,340.00	\$18,275.00
Monroe Tractor	\$15,935.00	\$2,733.00	\$18,668.00
Buffalo Bobcat	\$17,390.00	\$1,995.00	\$19,385.00
Mecca Kendall	\$18,770.00	\$2,350.00	\$21,120.00

After meeting with Ron Zoeller, Sanitation Foreman, it was determined to reject both bids submitted by Monroe Tractor for not meeting the requirements of the specifications. It is, therefore, recommended that the bid for one (1) ½ yard loader and trailer be awarded to Buffalo Bobcat, 4747 Genesee Street, Cheektowaga, New York 14225 for their submission of the lowest bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski
Sr. Engineer Assistant

ABB:dms

Item No. 6b Motion by Councilman Kowal, Seconded by Councilman Johnson

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the construction of the Peinkofer Drive Storm Sewer, which bids were duly received and opened on July 20, 1987, and

WHEREAS, the bids were referred to the Town Engineer and the consulting firm of Pratt & Huth Associates for analysis, tabulation and report, which analysis, tabulation and report is hereto attached, and

WHEREAS, said analysis, tabulation and report recommends that the bid be awarded to Adams Construction Company for submission of the lowest price meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the contract for the construction of the Peinkofer Drive Storm Sewer be and hereby is awarded to Adams Construction Company, 361 Kohler Street, Tonawanda, New York 14150 for their bid price of \$95,010.00, said being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreement with Adams Construction Company.

* See next page for letter

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0



Town of Cheektowaga

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

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

716-686-3447
716-686-3448

July 30, 1987

TO SUPERVISOR WEBER AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

GENTLEMEN:

Bids were received and opened by the Town Clerk on July 20, 1987 at 11:00 A.M. for the construction of a storm sewer to serve Peinkofer Drive. Twelve (12) bids were received as follows:

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Adams Construction Company	\$95,010.00
Frontier Asphalt, Inc.	\$100,970.00
Milherst Construction, Inc.	\$123,356.00
Mar-Wal Construction Company	\$126,590.00
Firstrhyme Construction	\$127,362.00
Northeast Diversification	\$132,939.00
M.C. Morgan Contractors	\$138,240.00
Toro Construction, Inc.	\$139,320.00
Kandey Company, Inc.	\$143,377.00
M. Falgiano Construction Company	\$149,941.00
Videseal Corporation	\$201,500.00
Lebis Contracting Corporation	\$240,430.00

Bids were reviewed by Pratt & Huth Associates who had designed the sewer under previous authorization. It is recommended by Pratt & Huth and this office that the award be granted to Adams Construction Company for the submission of the lowest price meeting the requirements of the specifications. The price is \$95,010.00.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

CLB:dms

Item No. 6c Motion by Councilman Kowal, Seconded by Councilman Johnson

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the construction of the Vale Drainage Project, which bids were duly received and opened on July 20, 1987, and

WHEREAS, the bids were referred to the Town Engineer and the Consulting Engineer, Donald Gallo, for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached, and

WHEREAS, said analysis, tabulation and report recommends that the bid be awarded to Frontier Asphalt, Inc. for submission of the lowest price meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the contract for the construction of the Vale Drainage Project be and hereby is awarded to Frontier Asphalt, Inc., 505 Como Park Boulevard, Cheektowaga, New York 14227 for their bid price of \$224,700.00, said being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreement with Frontier Asphalt, Inc.

* See next page for letter

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0



Town of Cheektowaga

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

CHESTER L. BRYAN, P.E.

TOWN ENGINEER

716-686-3447

716-686-3448

July 31, 1987

TO SUPERVISOR WEBER AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Gentlemen:

Bids were received and opened by the Town Clerk on July 20, 1987 at 11:00 A.M. for the Vale Drainage Project. Thirteen (13) bids were received as follows:

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Frontier Asphalt, Inc.	\$224,700.00
Adams Construction Company	\$226,311.00
M.C. Morgan, Inc.	\$245,850.00
Toro Construction, Inc.	\$248,880.00
Milherst Construction Inc.	\$289,981.00
Firstrhyme Construction Co., Inc.	\$294,782.00
Northeast Diversification Inc.	\$306,312.00
Falgiano Construction Company	\$324,705.00
Kandey Company, Inc.	\$336,094.00
Mar-Wal Construction	\$347,210.00
Lebis Contracting Corporation	\$362,270.00
Custom Topsoil	\$366,995.00
Vidoseal Corporation	\$424,435.00

Bids were reviewed by Donald Gallo, Consulting Engineer. It is recommended by Donald Gallo, the Highway Superintendent and the Town Engineer that the award be granted to Frontier Asphalt, Inc. for submission of the lowest price of \$224,700.00 meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.

Town Engineer

CLB:dms

Item No. 7 Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, this Town Board provided for the improvement of various Town highways under a three (3) year program utilizing the issuance of bonds for such purpose, and

WHEREAS, the professional engineering firm of Nussbaumer & Clarke, Inc., Consulting Engineers, was authorized to prepare plans and specifications for the Huth Road Storm Sewer Project, and

WHEREAS, the Highway Superintendent and the Town Engineer advised that said plans and specifications have been completed and recommended that bids be taken for the Huth Road Storm Sewer Project, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Huth Road Storm Sewer Project, said notice to be published in the BUFFALO NEWS and the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 19th day of August, 1987 at 11:00 A.M., Local Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 19th day of August, 1987, at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Huth Road Storm Sewer Project and related work, complete in place, tested and ready for use, in accordance with the Contract Documents therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway an Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Huth Road Storm Sewer Project".

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30 day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Item No. 7 cont'd

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of: Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: August 3, 1987

PUBLISHED: August 6, 1987

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Mary Lewandowski, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication..... AUG 6 - 1987 ;
last publication..... AUG 6 - 1987 ;
and that no more than six days intervened be-
tween publications.

Mary Lewandowski

Sworn to before me this 6th

day of August, 1987.

Cecelia Westoven

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 19th day of August, 1987, at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools and equipment and incidentals required for the construction of the Huth road Storm Sewer Project and related work, complete in place, tested and ready for use, in accordance with the Contract Documents therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which later office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Huth Road Storm Sewer Project."

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30 day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

**BY ORDER OF:
RICHARD M. MOLESKI
Town Clerk**

**DATED: August 3, 1987
PUBLISH: August 6, 1987**

State of New York

ERIE COUNTY
CITY OF BUFFALO

NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 19th day of August, 1987, at 11:00 A.M. Local Time, in the Town Hall in the Town of Cheektowaga, New York for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Huth Road Storm Sewer Project and related work, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project. Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227. Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which letter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York. The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Huth Road Storm Sewer Project". Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227. Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classified as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period. The right to reject any and all bids, to waive any informality in or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are hereby reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract. No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids. The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award. Attention of the bidders is further called to Section 2684 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246 THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project pursuant to the provisions of the contract. THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.

The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of
RICHARD M. MOLESKI
 Town Clerk
 Town of Cheektowaga
 Dated: August 3, 1987

D. Eileen Perry

the City of Buffalo, New York, being duly sworn, deposes
says that she is Principal Clerk

the BUFFALO EVENING NEWS, INC., Publisher of
THE BUFFALO NEWS, a newspaper published in said
y, that the notice of which the annexed printed slip taken
m said newspaper is a copy, was inserted and published

erein ~~once~~ a week for ~~one~~ weeks, the

st insertion being on the 6th day of August

87

and the last insertion being on the ~~11th~~ day

D. Eileen Perry

Sworn to by _____ day

of _____ 19 87

Francis X. Vollmer Jr.

FRANCIS X. VOLLMER JR.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 89

Notary Public, Erie County, N.Y.

Item No. 8 Motion by Councilman Kowal, Seconded by Unanimous

WHEREAS, on Tuesday, July 21, 1987, a man armed with a loaded shotgun engaged in a standoff with Cheektowaga Police Officers in a parking lot on Walden Avenue near Union Road, and

WHEREAS, the Cheektowaga S.W.A.T. team responded to the scene, evacuated several surrounding businesses and ended the two-hour siege by tackling and disarming the gunman without firing any weapons, and

WHEREAS, because of the actions of the Cheektowaga S.W.A.T. team, the potential loss of lives and property was averted, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby commends the Cheektowaga S.W.A.T. team for its actions in averting a dangerous confrontation with the gunman on July 21, 1987, and BE IT FURTHER

RESOLVED that this Town Board especially commends Officer Gerald Barber for his actions in tackling the gunman and ending the siege.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Estate of Victor Reinstein is the owner of vacant land on the northwest corner of Dick Road and North Creek Drive, and

WHEREAS, the late Victor Reinstein retained such land as a site for a possible future public library facility, and

WHEREAS, the master plan for the Cheektowaga Library System projected a library facility in this area of Town, and

WHEREAS, this area of Town is still without a public library facility despite the fact that there is a large population in such area, and

WHEREAS, there appears to be a lack of alternative sites for a library in this area of Town, and

WHEREAS, the aforementioned property is now posted as being available for purchase, and

WHEREAS, this Board has always had a good relationship with Dr. Reinstein and the Reinstein family, and

WHEREAS, the later Dr. Reinstein was so concerned about the fostering of libraries in this Town that he bequeathed to the Town a trust to be used for library purposes, and

WHEREAS, this Town Board desires that the Reinstein family accede to the wishes of the late Dr. Reinstein and this Town and reserve such land for library use, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the Reinstein family and/or the executors of the Estate of Victor Reinstein to not sell the aforementioned property, but rather to keep same for use for a library facility, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward copies of this resolution to Mrs. Julia Reinstein, Mr. Robert Reinstein and Richard Grimm, attorney.

Item No. 9 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10a Motion by Councilman Kowal, Seconded by Councilman Gabryszak

WHEREAS, plans for Losson Park Subdivision, Phase I, have been submitted to the Town Highway and Engineering Departments, and

WHEREAS, said Town departments have reviewed such plans and find that they conform to all Town requirements, NOW, THEREFORE, BE IT

RESOLVED that the plans for Losson Park Subdivision, Phase I, be and hereby are approved by this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, Benderson Development Co., Inc. (Benderson) has proposed constructing an addition to an existing building for a plaza at 620 Dick Road, and

WHEREAS, such proposal has been reviewed by the Town's Environmental Advisory Committee, which has stated that such proposal would not have a significant effect on the environment provided certain changes were made, and

WHEREAS, this Town Board hereby finds as follows with respect to the aforementioned proposal:

1. It has given consideration to the Environmental Assessment forms prepared by Benderson
2. The requirements of the State Environmental Quality Review Act and its regulations have been met
3. Consistent with social, economic and other essential considerations, the aforementioned proposal is acceptable to this Board (as per Benderson's Development Plan dated 7/20/87) provided the following enumerated mitigative measures are undertaken by Benderson:
 - a. A six (6) foot high solid wood fence be erected along the west property line
 - b. Air conditioning and exhaust units be located on the roof towards the front of the building
 - c. All dumpsters be located at the rear of the existing buildings and be enclosed with solid fencing
 - d. No outside speaker system be installed.
 - e. All new site lighting shall be of the diffused, lower intensity design so light will not splash over into residential yards.
 - f. Landscaping be provided as required by Cheektowaga Planning Board and Town Zoning Ordinance
 - g. The George Urban Boulevard entrance driveway be better defined.
 - h. Snow shall not be piled upon behind residents or along the fence.
 - i. No semi-trucks be permitted to use the George Urban Boulevard entrance.
 - j. Rear of buildings be painted with a buff color.
 - k. Curb bumpers be placed along the fence line to prevent vehicles from damaging the fence.

Item No. 10b cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10c Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, construction bids were received for the Peinkofer Drive Storm Sewer, which plans and specifications were prepared by Pratt & Huth Associates under a previous Town agreement, and

WHEREAS, there is need to engage the services of Pratt & Huth Associates, Consulting Engineers, for construction stake-out and services during construction as recommended by the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Pratt & Huth Associates, Consulting Engineers, as submitted to the Town Engineer in their proposal dated July 23, 1987 for the provision of assistance under the construction of the Peinkofer Drive Storm sewer be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED that the cost for professional services in the amount of \$3,145.00 is to be charged to the Peinkofer Drive Storm Sewer Construction Project.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10d Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, residents of Tillotson Avenue, McParlin Avenue and Eden Lane have presented their fear of flooding at the July 20, 1987 Town Board meeting, which flooding they anticipate due to the improvement of the Walden Avenue drainage system under the direction of the New York State Department of Transportation, which waters will be more effectively conducted to drain the State highway to the detriment of the residential area along Scajaquada Tributary T-1, and

WHEREAS, this Town Board is sympathetic to their concerns, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated July 20, 1987 to undertake surveying of the area north of Walden Avenue to determine the feasibility of diverting storm waters from Tributary T-1 to the Town diversion ditch located along the northwest access road of the New York State Thruway be and hereby is accepted.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, the Town Highway Department has maintained a road constructed by the State and located near the Kensington Expressway, and

WHEREAS, such roadway is known as the North Service Road and runs from Rosary Boulevard near the Kensington Expressway, then to the rear of the Mother of Divine Grace R.C. Church, then to Rosary Boulevard near Danbury Drive, and

Item No. 11a cont'd

WHEREAS, the Superintendent of Highways has recommended that the North Service Road be named Heather Road since it is a continuation of such roadway, NOW, THEREFORE, BE IT

RESOLVED that North Service Road, as described above, shall hereafter be known as Heather Road.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, Duke Road is a Town highway running parallel with and south of Walden Avenue from Union Road to the New York State Thruway, and

WHEREAS, the Town is in the process of acquiring a 50 foot wide and approximately 1,710 foot long piece of property lying on the west property lines of properties owned by Sorrento, Inc. and Buffalo Forge Company, from the north line of Duck Road to the south line of Walden Avenue, and

WHEREAS, such property is now open to the public and is being maintained by the Town as a Town highway, and

WHEREAS, the Town Superintendent of Highways has recommended that such highway be named Duke Road since it acts as a continuation of the existing Duke Road, NOW, THEREFORE, BE IT

RESOLVED that the above described 50 foot wide by 1,710+ foot long "highway" shall be known as Duke Roads.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, the Town is in the process of obtaining title to a 50-foot side by 1,710+ foot long highway between Duke Road and Walden Avenue along the west property lines of Sorrento, Inc. and Buffalo Forge Company properties, and

WHEREAS, in the meantime, the Town was given permission to open such roadway for public use, and

WHEREAS, in the process of opening such roadway for public use, it became necessary for the Town Highway Department to remove and replace some fencing owned by Sorrento, Inc., and

WHEREAS, the cost for replacing such fencing is stated to be \$2,500.00, and

WHEREAS, Sorrento, Inc. has already expended such moneys with the understanding that the Town will reimburse Sorrento, Inc. for such cost, NOW, THEREFORE, BE IT

RESOLVED that Sorrento, Inc. shall be reimbursed by the Town the sum of \$2,500.00 for the cost of replacing the aforementioned Sorrento, Inc. fencing, and BE IT FURTHER

Item No. 12 cont'd

RESOLVED that such moneys shall be appropriated out of the General Fund.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga is committed to pursuing economic development activities in order to preserve existing jobs, create new job opportunities for Town residents and improve the Town's tax base, and

WHEREAS, in accordance with that goal, the Town has created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development and growth within the Town, and

WHEREAS, the Department of Housing & Urban Development has strongly encouraged the use of Community Development Block Grant funds for local economic development activities, and

WHEREAS, the use of Community Development Block Grant funds have been approved by HUD for economic development purposes in the Town's 1981 through 1987-88 Program Year applications, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is directed to enter into an Agreement with the Cheektowaga Economic Development Corporation for the purpose of allocating Community Development Block Grant funds to that agency for the 1987-88 program year totaling \$351,000 in 1987 and \$110,004.30 in 1986 program year funds.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, the Facilities Department has advised that there is a need for securing the services of a qualified contractor to provide preventative maintenance Associated with Town heating, ventilating and air conditioning equipment which is located in eleven (11) Town maintained buildings, and

WHEREAS, this Town Board recognizes the need for such a preventative maintenance agreement for Town buildings, including its three (3) libraries, NOW, THEREFORE, BE IT

RESOLVED that the proposal for preparation of bid specifications as submitted by Babinsky-Klein, Engineering Consultants, to the Director of Facilities and dated June 17, 1987 is approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is directed and authorized to sign said agreement with Babinsky-Klein Engineering, P.C. on behalf of this Town Board, and BE IT FURTHER

RESOLVED that the cost for professional services in the amount of \$4,000.00 is to be charged to account #7110.070.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13c Motion by Councilman Rogowski, Seconded by Councilman Kowal

WHEREAS, the Town of Cheektowaga is eligible for partial reimbursement of funds expended for youth programming during Fiscal Year 1988, and

WHEREAS, the Town of Cheektowaga will submit a State Aid application to the New York State Division for Youth for funding under the following Project Funding Categories: Youth Bureau, Youth Service, Youth Initiatives and Recreation, NOW, THEREFORE, BE IT

RESOLVED that said application is approved contingent upon the appropriation of funds in the adopted 1988 Town of Cheektowaga budget and that the Supervisor is hereby directed and authorized to duly execute and present same to the New York State Division for Youth.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga is currently transporting its solid wastes to the Occidental Energy from Waste Facility in Niagara Falls, and

WHEREAS, the Town of Cheektowaga has recently solicited bids from existing disposal facilities for a long term disposal service for the Town on behalf of the Northeast Communities Solid Waste Management board, and

WHEREAS, the Northeast Communities Solid Waste Management board is also considering whether or not it should pursue the development of a new waste-to-energy facility and/or a new sanitary landfill, and

WHEREAS, all of the disposal options available or potentially available to the Town of Cheektowaga and the Northeast Board include waste transportation costs as a substantial part of the overall cost to the Town in obtaining and providing such disposal services, and

WHEREAS, an engineering study is needed to provide information regarding the overall alternatives evaluation, feasibility, costs, possible locations and site selection, preliminary design, and other critical aspects of a transfer station system, including a comparison of direct haul costs and transfer costs, so that an informed decision can be made regarding which best transportation option is in the Town's best interest, NOW, THEREFORE BE IT

RESOLVED that the Town of Cheektowaga requests approval of the Northeast Board to authorize an amendment to the existing Phase I study scope and contract with Barton & Loguidice to do a transportation transfer system study and, BE IT FURTHER

RESOLVED that funds for the study will be allocated from the Aid-To-Localities Grant from New York State DEC, so that it would help the municipalities by providing information needed to help in their future solid waste management decision-making.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board ("EMS BOARD"), and

WHEREAS, the EMS Board has completed an initial review and evaluation of the various license application(s) submitted for driver(s)/attendant(s), and has recommended that the Town Board license such driver(s)/attendant(s), and

WHEREAS, this Town Board desires to license such driver(s)/attendant(s), NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the EMS Board concerning the licensing of driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the applicant(s) for driver(s)/attendant(s) license(s) set forth on the annexed schedule are hereby approved for licensing by this Town Board for a period to expire upon the expiration of such driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized, empowered and directed to issue driver(s)/attendant(s) license(s) to the applicant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDANT LICENSES

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Aaronson, Craig H.	,Bflo.,NY14222	GOLD	3/31/90
Bull, Timothy S.	,Hamburg,NY14075	Towns	12/31/88
Balcer, Craig A.	W.Seneca,NY14224	Towns	5/31/90
Lyons, Daniel	,Cktw.14225	Towns	5/31/90
Brown, Bernard J.	,Depew,14043	Towns	5/31/90
Fitzgerald,Joseph J.	,Bflo,NY 14220	Gold	5/31/90
Schillaci, Deborah M.	, Bflo,NY 14207	Gold	5/31/90
Hartl, Jennifer L.	,Clarence Ctr.14032	Gold	5/31/90
Amos, Charles Edward	,Bflo,NY 14214	Gold	1/31/90
Nawrot, Rebecca Anne	,E.ConcordNY 14055	Gold	5/31/90
Brecher, Mark R.	, Arcade,NY 14009	Gold	5/31/90
Folaron, Marie A.	,Holland,NY 14080	Gold	12/31/89
Yurecka, Judy A.	,Bflo,NY 14213	Gold	5/31/89
Kanish, Debora	,BlasdellL4219	Gold	12/31/89
Carriero, Kelly A.	,Bflo,NY14210	Gold	12/31/89
Simonson, Robert D.	,HAMBURG,14075	Gold	5/31/90
Schmitt, Brian D.	,Cktw. NY 14215	Gold	5/31/90

Item No. 16a Motion by Councilman Santa Maria, seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 110 Brookedge Road, Cheektowaga, New York, SBL #114.16-7-41 and according to the Assessor's Office is owned by Matthew Peters, Buffalo, New York 14211, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 16b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located north of 438 Kennedy Road, Cheektowaga, New York, SBL #113.06-4-6 and according to the Assessor's Office is owned by John Ogiony, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 17a Motion by Supervisor Weber, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga has not had a certified appraisal of Town properties since 1975, and

WHEREAS, the Town's outside auditors, Deloitte, Haskins and Sells, recommend that a re-appraisal of all Town properties be performed, and

WHEREAS, the Town's Insurance Consultant has also recommended that an appraisal of all Town properties would be helpful for establishing current replacement values for all Town properties, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be hereby and is directed to sign the attached agreement with Industrial Appraisal Company of Pittsburg, Pennsylvania for appraisal of all Town's properties at a fee not to exceed \$20,980.00; said fees shall be chargeable to Account No. 01-1220.4513.

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

* See next nine (9) pages for agreement

Industrial Appraisal Company

HOME OFFICE

222 BOULEVARD OF ALLIES
PITTSBURGH, PENNSYLVANIA 15222
(AREA CODE 412) 471-2566

EXECUTIVE OFFICES

PITTSBURGH · NEW YORK · PHILADELPHIA
CHICAGO · LOS ANGELES
INTERNATIONAL SERVICE



EUROPEAN AFFILIATE

KNIGHT FRANK & RUTLEY
20 HANOVER SQUARE LONDON W1R 0AH

AGREEMENT

The Industrial Appraisal Company hereby proposes to make a certified appraisal in its standard form and method of the assets owned by:

TOWN OF CHEEKTOWAGA
BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

The purpose of the appraisal is to furnish an appraisal report in tabulated form which will:

1. Develop and maintain an inventory of fixed assets designed for control and accountability of property.
2. Provide the insurable values of the assets for use in the implementation of a sound insurance program. Included in the report will be a statement of the cost of reproduction new, sound value, total accrued depreciation and net sound insurable value.

The Industrial Appraisal Company will provide a certified appraisal report which will include a detailed listing and valuation of the physical assets at the locations listed on Endorsement No. 1 attached.

The report will be produced in tabulated form, and will include the following data: Location codes showing building number - area and departmental codes, fund code, purchase order number, asset classification, identification number, quantity, description, estimated date acquired, replacement cost, sound insurable value, and estimated acquisition cost.

1. Location Code

This will specify the location of each asset by building, area in the building, and department. The appraisal report will be set up in accordance with any existing departmental code. In the absence of such code, departmentalization will be done by the Appraiser.

2. Fund Code
There will be a column in the report providing space for entering this information which will be the responsibility of the School District.
3. Purchase Order Number
This column will be included in the report for the future use of the School District for audit tieback to acquisition date and cost. Purchase record will not be researched.
4. Asset Classification
All assets will be further coded to indicate property class, such as buildings, permanent fixtures or movable equipment.
5. Identification Number
A sequential identification number will be shown in the report as applied by the computer and will appear in this column. In the event the School District elects to have identification tags affixed to the various assets, the tag number will be shown in this column.
6. Date Acquired
This will be estimated, based upon the experience and expertise of our qualified appraisal staff, without research of the purchasing or accounting records.
7. Replacement Cost
The cost to replace the asset in like kind and quality and of equal utility at current prices. It is agreed that asset items having a replacement cost of \$ 100.00 or more will be separately listed and detailed. Items having a replacement cost of less than that amount will be valued by group totals, without detailed listing.
8. Sound Value
Replacement cost less physical depreciation.
9. Acquisition Cost
This information will be estimated by personal consultation with your key personnel or estimated by the use of computerized reverse trending based upon current replacement cost. It is agreed that when assets with an acquisition cost of less than \$ 100.00 are listed in the report, the amount will not print in the "acquisition cost" column. Replacement cost and sound value will print in the appropriate columns.

It is understood and agreed that certain assets will not be appraised. Among the assets to be excluded are: Land and land improvements other than buildings, drugs, foodstuffs, books, leased equipment, personal property of employees, spare parts, drawings, jigs, fixtures and dies, museum items, licensed vehicles, musical instruments, uniforms, and sheet music.

It is understood and agreed that the Industrial Appraisal Company will not affix identification tags to any fixed or movable asset. If the School District requests tags be affixed, or any other service not specifically included in the contract, this will be done by separate agreement and endorsement to this contract.

The fee for the appraisal services as outlined above will be the sum of:

NINETEEN THOUSAND THREE HUNDRED AND EIGHTY DOLLARS (\$19,380.00)

which fee, plus the charge for the first year's appraisal protection service shall be payable upon delivery of the completed appraisal report.

ANNUAL SERVICE In addition to the reports described above, the Appraisal Company will maintain an annual revision service for the original report to keep current from year to year the statement of insurable values and the Tabulated Property Control Ledger. The annual revision service for insurable values will provide updated summary values once each year for the property covered by the original appraisal including property additions, deletions, and transfers, which have been reported to the Appraisal Company. The Appraisal Company will prepare a new summary of values containing its opinion of the current reproduction costs and sound insurable values. The fee for the annual service for insurable values will be payable for the first year upon the delivery of the original appraisal, and annually thereafter at the beginning of each appraisal protection service year. The fee for the annual service for insurable values will be \$ 1,600.00 for a period of five years.

Available at the option of the School District, the Tabulated Property Control Ledger will be kept up-to-date on a yearly basis for a period of five years for a fee of \$ 875.00 and payable as the service is rendered. This fee is in addition to, and separate and distinct from, the annual appraisal protection service covering replacement cost and sound insurable value information as set forth above. The upkeep service for property control and acquisition cost data will provide for a new Tabulated Report in the same form as the original listing and will include all changes submitted by the School District in the building, and fixed and major movable equipment. The annual Tabulated Report will include the month and year of acquisition as reported on property additions. In the event conditions require the services of our representatives to verify, analyze and record property changes, such service will be available at the Appraisal Company's per diem rate prevailing at the time.

FIRE LOSS SERVICE In the event of a fire, explosion or other damage covered by insurance, provided immediate notice is given to our Home Office and our annual revaluation service is in effect, the Appraisal Company will provide updated summary values for the property covered under your fire insurance policy.

CONDITIONS It is understood and agreed that a valuation provision will be included for textbooks, library books, janitorial and educational supplies by classification totals without detailed listing. Licensed vehicles, musical instruments, uniforms and sheet music will be included in the report provided the Acceptor provides the Industrial Appraisal Company with a list and value before completion of the report. In the event the Appraisal Company's services are requested to include items not covered by this contract, these services shall be negotiated between the Acceptor and the Appraisal Company.

ADDED PROVISIONS This agreement is modified by

attached hereto and made a part of this agreement.

Neither party to this contract is bound by any promise, term or condition, either oral or written, not incorporated in this instrument.

If, pursuant to this contract, you receive an appraisal from the Industrial Appraisal Company and you have any inquiries concerning the inclusion or exclusion of items covered by the appraisal or concerning the valuations set forth in the appraisal, such inquiries must be transmitted in writing to the Industrial Appraisal Company no later than 120 days after receipt of the appraisal. If no inquiries in writing are transmitted to the Industrial Appraisal Company within the above-stipulated period, you shall be deemed to have accepted the complete appraisal and the valuations set forth therein.

This agreement becomes a contract when countersigned by an Officer of the Industrial Appraisal Company.

SUBMITTED this 8th day of July 1987

ACCEPTED:

Town Of Cheektowaga

INDUSTRIAL APPRAISAL COMPANY

Per 
Please Sign Here

Per _____
Frank X. Perl

Countersigned at Pittsburgh, PA this _____ day of _____

By _____
Vice President

ENDORSEMENT #1

1) TOWN PARK - 2600 HARLEM ROAD

Town Park Recreation Center
Cultural Center
Pool, Bathhouse, Mechanical Bldg.
Reinstein Library
Maintenance Garage
2-2½ Car Storage Garages, frame construction
1-1 Car Recreation Garage, frame construction
5 - Ball Diamonds
6 - Tennis Courts
Miscellaneous Playground Equipment
11 Shelters
2 Bridges spanning Scajaquada Creek (Highway jurisdiction)
Wildy-Alexander Street lawn areas, walking trails, etc. owned
by Cheektowaga Central and being sold to private developer

2) J.C. STIGLMEIER PARK - 500 LOSSON ROAD

Maintenance Garage
Community Center
2 - Comfort Stations
1 - Storage Garage (block and frame)
6 - Tennis Courts (3 to be constructed in 1987)
2 - Basketball Courts
9 - Ball Diamonds
6 Miles of Hiking Trails
Miscellaneous Playground Equipment
13 - Picnic Shelters (6 to be erected in 1987)
1 Pond

3) REHM ROAD - REHM ROAD AND LEE STREET

1 - Comfort Station (not in use; no utilities)
4 - Ball Diamonds
3 - Tennis Courts
1 - Basketball Court (to be constructed in 1987)
1 - Football Field
1 - Portable Trailer (to be located on site 8/87)
Miscellaneous Playground Equipment

4 a) CEDARGROVE EAST - CEDARGROVE AND ELKINS DRIVE

Miscellaneous Playground Equipment

4 b) CEDARGROVE CENTRAL - CEDARGROVE AND KINGSWOOD DRIVE

2 - Tennis Courts
2 - Basketball Courts
1 - Street Hockey Court
1 - Recreation Storage Garage, frame construction
1 - Shelter
Miscellaneous Playground Equipment

ENDORSEMENT #1

- c) CEDARGROVE WEST - CEDARGROVE AND WINDWOOD COURTS
Miscellaneous Plantings
- 5) ORCHARD PLAYGROUND - GARDENVALE DRIVE AND CHERRY LANE
1 - Recreation Garage, frame construction
1 - Tennis Court
1 - Basketball Court
Miscellaneous Playground Equipment
- 6) ST. ALOYSIUS CHURCH - CLEVELAND DRIVE AND SOUTH CENTURY ROAD
1 - Shelter
1 - Ball Diamond
Miscellaneous Playground Equipment
- 7) HUTH DRIVE CIRCLE - CUL DE SAC
Water Hose Bib
- 8) HANLEY PLAYGROUND - PATRICK LANE AND MEADOWLAWN
Miscellaneous Playground Equipment
1 - Shelter
- 9) ST. PATRICK'S EPISCOPAL CHURCH - GEORGE URBAN AND DICK ROAD
1 - Tennis Court
2 - Basketball Courts
Miscellaneous Playground Equipment
- 10) NOKOMIS PLAYGROUND - NOKOMIS AND PETAN
2 - Ball Diamonds
- 11) NORTH CREEK PLAYGROUND - NORTH CREEK AND BETTY LOU LANE
1 - Basketball Court
Miscellaneous Playground Equipment
1 - Shelter
- 12) SOUTH CREEK PLAYGROUND - SOUTH CREEK AND KINGSTON LANE
1 - Shelter
2 - Basketball Courts
- 13) NOB HILL - CLEVELAND DRIVE AND COLONIAL COURT
1 - Ball Diamond
1 - Shelter
1 - Basketball Court
1 - Tennis Court
Miscellaneous Play Equipment

ENDORSEMENT #11

- 4) MARYVALE RECREATION CENTER - GENESEE STREET
Community Center
- 15) MARYVALE POOL AND BATHHOUSE - BEACH ROAD AND MARYVALE DRIVE
1 - Wading Pool
1 - Swimming Pool
1 - Mechanical Storage Garage, frame construction
- 16) WINSTON VEGOLA PLAYGROUND - WINSTON AND CUNARD STREETS
1 - Tennis Court
1 - Basketball Court
- 17) YEAGER - UNION ROAD AND YEAGER
Lawn Area, landlocked
- 18) DARTWOOD PARK - AUTUMNWOOD AND BRENTWOOD DRIVE
1 - Community Center
1 - Ball Diamond
1 - Shelter
2 - Tennis Courts
2 - Basketball Courts
1 - Street Hockey Court
Miscellaneous Playground Equipment
- 19) SOUTHLINE FIRE COMPANY - FRENCH ROAD AND PHEASANT LANE
1 Ball Diamond
- 20) EIFFEL PLAYGROUND - SEINE DRIVE AND CHERBOURG DRIVE
1 - Shelter
1 - Spray Pool (not in use)
Miscellaneous Play Equipment
- 21) KELLY PARK - FRENCH ROAD AND KELLY DRIVE
1 - Ball Diamond
4 - Tennis Courts
2 - Basketball Courts
Miscellaneous Play Equipment
1 - Foot Bridge over Marrano-Kelly drainage ditch (Highway Jurisdiction)
1 - Shelter
1 - Kelly Library - rented space in plaza

ENDORSEMENT #1

- 22) THEODORE ROOSEVELT PLAYGROUND - WILLIAM STREET AND HELEN STREET
1 - Ball Diamond
Miscellaneous Play Equipment
- 23) MARYVALE U-CREST - NAGEL AND SANTIN DRIVE
2 - Tennis Courts
- 24) MARYVALE EAST ELEMENTARY - MOORMAN DRIVE
2 - Tennis Courts
Property sold by School District to private development group
- 25) DINGENS POOL - DINGENS DRIVE
1 - Swimming Pool
1 - Wading Pool
1 - Bathhouse
1 - Mechanical Garage, frame construction
1 - Comfort Station
2 - Shelters
2 - Basketball Courts
1 - Tennis Court
1 - Street Hockey Court
2 - Ball Diamonds
Miscellaneous Playground Equipment
- 26) RAYMOND PLAYGROUND - RAYMOND STREET
1 - Basketball Court
1 - Tennis Court
Miscellaneous Playground Equipment
1 - Shelter
- 27) NORTH BRANCH LIBRARY - MARYVALE AND BEACH ROADS
Library and Meeting Rooms
- 28) SOUTH BRANCH LIBRARY - WILLIAM STREET AND STARLITE
Library and Meeting Rooms
- 29) TOWN HALL COMPLEX - BROADWAY AND UNION ROADS
Town Hall
Police and Court Building
Facilities Dept. Maintenance Garage (Incinerator)
Historical Museum
Senior Citizens Center and Exercise Court
Dog Kennel
2 - Single Car Storage Garages
Credit Union Office and Collision Shop

TOWN HALL COMPLEX (continued)

- *Central Garage - Sanitation Building
- *Highway Department Building
 - 2 - Ball Diamonds
 - 1 - Soccer Field

30) FIREMEN'S PARK - LOSSON ROAD AND PHILLIPS DRIVE

- 1 - Pond and Road
- Road, parking and miscellaneous development in planning process

* SPECIAL DISTRICT BUDGETS

31) MAIN SEWER PUMPING STATION - CENTRAL BLVD.

- Control Bldg.
- Former Digester tanks & bldg.
- Sewer Dept. Office Bldg. & Garage

32) Sewer Dist. #3 - Harlem Rd. and Clinton St.

- Various small bldgs. used only for pumping

33) 11 Pumping Stations at various locations throughout the Town

Item No. 17a cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Rogowski, Seconded by Unanimous

WHEREAS, the Town is presently contemplating constructing a golf course in John C. Stiglmeier Park, and

WHEREAS, it is necessary for the Town to bring in a professional golf course designer and builder to consult with and advise the Town on such a course, and

WHEREAS, Mr. Horace Smith, a professional golf course designer and builder, has offered to come to the Town of Cheektowaga and take a look at the proposed site and plans and provide his opinion on same provided his expenses are paid by the Town, and

WHEREAS, this Board is desirous of having Mr. Smith come to this Town, NOW, THEREFORE, BE IT

RESOLVED that Mr. Horace Smith be and hereby is requested to travel to the Town of Cheektowaga to review the site and plans for the proposed golf course in Stiglmeier Park, and BE IT FURTHER

RESOLVED that Mr. Horace Smith be reimbursed by the Town of Cheektowaga for travel and meal expenses incurred by him for such visit at a cost not to exceed \$500.00.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Jaworowicz, Seconded by Councilman Kowal

WHEREAS, the Erie County Department of Personnel will be conducting a civil service examination for Police Captains in September of 1987, and

WHEREAS, a Police Captain examination was just held for the Town in 1986 and the eligible list resulting from same will be effective for the Town until 1988, and

WHEREAS, it has been suggested that the Town coordinate the effective dates of its Captain civil service examination dates with other towns in Erie County, NOW, THEREFORE, BE IT

RESOLVED that the Town hereby states that it does not wish to participate in the Captain's civil service examination scheduled for September of 1987, and BE IT FURTHER

RESOLVED that this Town Board hereby requests that the Erie County Department of Personnel extend the duration of the current Captain eligible list until 1989 so as to be in coordination with the other towns in Erie County, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Mr. Robert Cownie of the Erie County Personnel Department.

Item No. 18 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Jaworowicz, Seconded by Councilman Santa Maria

WHEREAS, the term of Planning Board Member Raymond Pugh will expire on August 20, 1987, and

WHEREAS, this Board wishes to reappoint Mr. Pugh for another seven year term, NOW, THEREFORE, BE IT

RESOLVED that Raymond Pugh, Cheektowaga, New York be and hereby is reappointed to the Cheektowaga Planning Board for a term expiring August 20, 1994.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 20a Motion by Councilman Jaworowicz, Seconded by Councilman Kowal

WHEREAS, there presently exists a vacancy for Lieutenant in the Police Department for the 8:00 A.M. - 4:00 P.M. shift, and

WHEREAS, the Chief of Police has interviewed prospective candidates within his department for such promotion, and

WHEREAS, the Chief of Police has recommended that James Morath, who is on the civil service eligible list for Lieutenant, be promoted to Lieutenant, NOW, THEREFORE, BE IT

RESOLVED that James Morath be and hereby is promoted to the position of Lieutenant in the Police Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Captains and Lieutenants Association.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Councilman Jaworowicz, Seconded by Councilman Kowal

WHEREAS, a vacancy currently exists in the position of Sergeant in the Police Department, and

WHEREAS, Police Officer Cheryl Rucinski appears first on the civil service list for Sergeant, and

WHEREAS, the Chief of Police has recommended that Cheryl Rucinski be promoted to Sergeant, NOW, THEREFORE, BE IT

RESOLVED that Cheryl Rucinski be and hereby is promoted to Sergeant in the Police Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Cheektowaga Police Club.

Item No. 20b

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21a Motion by Councilman Rogowski , Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

	<u>Effective</u>
<u>Parks Division - #01-007110-1-0-1491-001</u>	
John Kochel	8/26/87
John Mueller	8/30/87
William Rogowski, Jr.	8/29/87
Donald Clark	Immediately
Albert Green	Immediately
William Schultz	Immediately
Kevin Kumpf	Immediately
<u>Street Lighting Division - #02-905182-1-0-1492-001</u>	
Steven Dunkowski	8/29/87
Donald Havernick	8/29/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21b Motion by Councilman Kowal, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-time employees in the Departments listed:

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION</u>	
Chester Kensy	8/3/87
<u>SEWER MAINTENANCE DEPARTMENT</u>	
Ray Nowak	8/17/87
Jeff Mrugalski	8/17/87
Alex Pajak	8/17/87
Jim Kowobucki	8/17/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22a Motion by Councilman Rogowski, Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1987 summer program:

<u>Parks Division - #01-007110-1-0-1491-001 - \$3.35 per hour</u>	
	<u>Effective</u>
Joseph Lenartowicz	Immediately
Joan McKinley	Immediately

Item No. 22a cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22b Motion by Councilman Gabryszak, Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-time Employees in the Departments listed:

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION - Seasonal - \$4.00 per hour</u>	
John Johnson	8/6/87
<u>MAIN PUMP STATION - Seasonal - \$3.75 per hour</u>	
Joe Mazur	8/6/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22c Motion by Councilman Rogowski, Seconded by Councilman Kowal

BE IT RESOLVED that the following individual be hired as a substitute Nutrition Site Manager at an hourly rate of \$4.25 per hour:

Laura Kubik
Cheektowaga, New York 14227

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 23a Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, the Rochester Institute of Technology (R.I.T.) and the Professional Photographers of New York are conducting a photography course for law enforcement photographers from August 16-21, 1987 at the R.I.T. Campus in Rochester, New York, and

WHEREAS, the Chief of Police has requested permission for Detective Florian Lukowski to take such course, and

WHEREAS, such course would provide information which would be beneficial to the Cheektowaga Police Department in solving crimes and to the District Attorney in prosecuting cases, NOW, THEREFORE, BE IT

RESOLVED that Detective Florian Lukowski be and hereby is authorized to attend the aforementioned course, and BE IT FURTHER

RESOLVED that the Town shall pay the cost of tuition (\$300.00) and all reasonable and necessary expenses for Detective Lukowski's attendance at such course, and BE IT FURTHER

RESOLVED that Detective Lukowski be and hereby is authorized to use a Town vehicle for traveling to and from such course location.

Item No. 23a cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 23b Motion by Councilman Jaworowicz, Seconded by Councilman Gabryszak

WHEREAS, the New York State Office of Fire Prevention and Control will be conducting a seminar on the cause and origin of fires at the Academy of Fire Science in Montour Falls, New York from August 10-14, 1987, and

WHEREAS, such course is designed to train fire and police officers in deciding the cause and origin of fires, as required by New York State Law, and

WHEREAS, the Chief of Police has requested permission for Sergeant Charles Shields to attend this course to aid him in investigating arson fires, NOW, THEREFORE, BE IT

RESOLVED that Sergeant Charles Shields be and hereby is authorized to attend the aforementioned seminar from August 10-14, 1987, and BE IT FURTHER

RESOLVED that Sergeant Charles Shields shall be reimbursed for the cost of attending such seminar (\$105.00), and BE IT FURTHER

RESOLVED that Sergeant Charles Shields be and hereby is authorized to use a Town vehicle to attend such seminar or be reimbursed for mileage for taking his own vehicle.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, New York State Electric & Gas Corporation services lighting standards for the Kensington Expressway, east of the New York State Thruway overpass, and

WHEREAS, numerous knock-downs have occurred, resulting in lighting interruptions along said roadway, and

WHEREAS, substantial road construction will be occurring along the Kensington Expressway, west of the Thruway, necessitating an interruption in lighting service, and

WHEREAS, the Town is exploring various means to reduce costs accruing to the general lighting district, and

WHEREAS, the Town has been advised by representatives of the New York State Department of Transportation that a trial period is advisable during which New York State Electric & Gas-served street lighting along the Kensington Expressway would be disconnected, and

WHEREAS, the New York State Department of Transportation will be installing certain pavement and abutment markings, as well as other necessary devices prior to the trial shut-off period, and

WHEREAS, during the trial period, the New York State Department of Transportation will be conducting a traffic study including evaluation of the need for transitional lighting, and

Item No. 24 cont'd

WHEREAS, New York State Electric & Gas has quoted the fee for said disconnection at \$1,000, NOW, THEREFORE, BE IT

RESOLVED that New York State Electric & Gas is hereby authorized to disconnect the lighting for the Kensington Expressway within its service area, as per the attached proposal, and BE IT FURTHER

RESOLVED that the New York State Department of Transportation is hereby notified of the Town's intent to initiate the trial shut-off period, said notice to be directed to N.Y.S.D.O.T. Regional Director, Robert J. Russell, and BE IT FURTHER

RESOLVED that any termination of the shut-off trial period will be by separate notice to the New York State Electric & Gas Corporation and New York State Department of Transportation.

* See next page for proposal

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0



November 13, 1986

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
KENSINGTON EXPRESSWAY

Option #1

Turn off all lights on Kensington Expressway, leaving facilities in place (conductors & fixtures).

Disconnect energy at sixteen (16) locations	\$ 1,000.00
Annual charges for the de-energized facilities existing on expressway as of 11/12/86	\$13,434.76
To reconnect facilities at a later date	\$ 1,000.00

Option #2

NYSEG to remove luminaires and conductors for a one-time charge of \$42,172.21

This would eliminate the present annual charge of \$21,406.23. Standards, bases, conduit to be removed by the N.Y.S. Dept. of Transportation, or Town of Cheektowaga.

Option #3

Town of Cheektowaga to pay a one-time charge of \$50,000 for all facilities owned by NYSEG associated with the expressway. NYSEG would then bill the expressway on Rate #2, which supplies energy, relamping and photo control replacement, for an annual charge of \$8383.26. Maintenance of all other facilities would be of the town's responsibility for an annual savings of \$13,022.97.

MEETING NO. 17
August 3, 1987

Item No. 25 Motion by Supervisor Weber, Seconded by Councilman Kowal

BE IT RESOLVED that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND

From:	7110.4451 (Bldg. and Grounds-Repairs and Maintenance)	\$ 200.00
	1910.4711 (Contingency)	27,180.00
	7310.4261 (Youth-Postage)	605.00
To:	7110.4491 (Bldg. and Grounds-Special Events)	\$ 200.00
	1220.4513 (Supervisor-Asset Appraisals)	22,000.00
	8210.4568 (Highway-Storm Sewer Cleaning)	5,000.00
	7620.2511 (Sr. Citizen Center-Engineering Fees)	180.00
	7310.4431 (Youth-Equipment Repairs and Maintenance)	605.00

COMMUNITY DEVELOPMENT FUND

From:	1983-84 (Depew-Contingency)	\$ 4,817.61
To:	1983-84 (Depew-Marengo Storm Sewers)	\$ 4,817.61

SPECIAL DISTRICTS FUND

From:	858160.4469 (Sanitation-Landfill Costs)	\$ 8,562.00
	852657.000 (Sanitation Revenue-Repeater)	5,124.00
	508125.4543 (SD No. 5-WWFR Remedial Program)	2,562.00
	599.00 (SD No. 3-Fund Balance)	17,850.00
	599.00 (SD No. 7-Fund Balance)	56,000.00
To:	858160.4431 (Sanitation-Equipment Repairs)	\$ 6,000.00
	858160.2513 (Sanitation-Communications Equipment)	7,686.00
	508125.2513 (SD No. 5-Communications Equipment)	2,562.00
	708127.4823 (SD No. 7-Sewer Line Installation)	56,000.00
	308123.4579 (SD No. 3-Drainage Study)	17,850.00

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 26 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to August 3rd, 1987 are hereby approved and made a part hereof.

FUND	AMOUNT
GENERAL FUND	\$98,610.14
SPECIAL DISTRICT FUND	60,274.17
HIGHWAY FUND	25,830.86
FEDERAL REVENUE SHARING FUND	1,120.00
CAPITAL FUND	59,884.98
TRUST AND AGENCY FUND	2,348.45
COMMUNITY DEVELOPMENT	1,288.65
PART TOWN FUND	399.36
	<u>\$249,696.61</u>

MEETING NO. 17
August 3, 1987

Item No. 26 Cont'd

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 27 Building Permits
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 28 Notice of Claim - Caroline Raimonde vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Senior
Citizens; Joseph J. Naples, Insurance Company.
Received and Filed.

Item No. 29 Notice of Petition & Verified Petition - National Fuel vs State
Board of Equalization and Assessment
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Casey Kozminski, Town Assessor, Town Board Members
Received and Filed.

Item No. 30 Appearance & Complaint objecting to Tentative Special Franchise
Assessment - National Fuel Gas
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Casey Kozminski, Town Assessor, Town Board members
Received and Filed.

Item No. 31 Protest of Special Franchise Assessment - N.Y. Telephone
Copies were sent to: Casey Kozminski, Town Assessor.
Received and Filed.

Item No. 32 Petition from residents of portion of Orchard Place requesting repair
of section of pavement
Copies were sent to: Alfred Wnek, Highway Superintendent
Received and Filed.

Item No. 33 Motion by Supervisor Weber, Seconded by Councilman Rogowski
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 17th day of August, 1987 at 7:00 o clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; James Kirisits, Town Attorney; Andrew Kulyk, Member of Zoning Board of Appeals; Sam LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Ronald Marten, Building Inspector; Donald Wegner, Chairman, Zoning Board of Appeals; and Patricia Wojcik, Senior Citizens Coordinator.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of repealing the Town Flood Damage Control Ordinance and enacting Local Law No. 1 of 1987 entitled "A Local Law for Flood Damage Prevention" in the said 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 Local Law being as follows:

*SEE NEXT 15 PAGES FOR COPY OF FLOOD DAMAGE PREVENTION LOCAL LAW.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~CITY~~

~~TOWN~~

~~VILLAGE~~

of Cheektowaga

Local Law No. 1 of the year 19 87

A local law for FLOOD DAMAGE PREVENTION

(Optional)

as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~CITY~~

~~TOWN~~

~~VILLAGE~~

of Cheektowaga, Erie County, N.Y. as follows:

See pages 2 through 15 for context of Local Law No. 1 of the Year 1987

(If additional space is needed, please attach sheets of the same size as this and number each)

FLOOD DAMAGE PREVENTION LOCAL LAW

SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of Cheektowaga finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Cheektowaga and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publically and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Town Engineer's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, AI-99, V, VO, VE, or VI-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for occupancy or storage.

"Cellar" - has the same meaning as "Basement".

"Coastal high hazard area" means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE, VO or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the Community published by the Federal Emergency Management Agency as part of a riverine Community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Lowest Floor" means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this local law.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"100-year Flood" has the same meaning as "Base Flood."

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.3-2 of this Law.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazards within the jurisdiction of the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Cheektowaga, of Erie County, New York", dated March 15th, 1984, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and maps are on file at the Office of the Town Engineer.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS

This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Cheektowaga from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not complaint with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared noncomplaint and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on

scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Cheektowaga, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Town Engineer is hereby appointed Local Administrator to administer and implement this local law by granting or denying development permit applications in accordance with its provisions.

4.2 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Town Engineer and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-1 APPLICATION STAGE

The following information is required where applicable:

- (a) elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
- (b) elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) when required a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in Section 5.1-3(1);
- (d) certificate from a licensed professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.2; and
- (e) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2-2 CONSTRUCTION STAGE

Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Town Engineer a certificate of the elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and

certified by same. When flood-proofing is utilized for a particular building. The floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Town Engineer shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Town Engineer shall include, but not be limited to:

4.3-1 PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this local law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this local law, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (i) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this local law.
 - (ii) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 5.1-5, Encroachments.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Town Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4(4) in order to administer Section 5.2, SPECIFIC STANDARDS and Section 5.3 FLOODWAYS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation in relation to mean sea level, to which the structure has been floodproofed; and,

- (ii) maintain the floodproofing certifications required in Sections 5.1 and 5.2.
- (3) Maintain for public inspection all records pertaining to the provisions of this local law including variances when granted and Certificates of Compliance.

4.3-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

The Town Engineer shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

Base flood elevation data established pursuant to Section 3.2 and/or Section 4.3-2, when available, shall be used to accurately delineate the area of special flood hazards.

The Town Engineer shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

4.3-6 STOP WORK ORDERS

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Town Engineer. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.
- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Town Engineer. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

4.3-7 INSPECTIONS

The Town Engineer and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the Development Permit or the approved variance.

4.3-8 CERTIFICATE OF COMPLIANCE

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Town Engineer stating that the building or land conforms to the requirements of this Local Law.

- (2) All other development occurring within the designated flood hazard area will have upon completion a Certificate of Compliance issued by the Town Engineer.

All certifications shall be based upon the inspections conducted subject to Section 4.3-7 and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or 2 feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required;
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 ENCROACHMENTS

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in section 4.3-1(3), Permit Review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to Section 4.3-2 or Section 5.1-4(4) and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to Section 4.3-2 the requirements of Section 5.3, Floodways, shall apply.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS and Section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any resident structure shall:

- (1) have the lowest floor, including basement or cellar, elevated to or above the base flood elevation;
- (2) have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
- (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:
 - (i) a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (ii) a licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

The Town Engineer shall maintain on record a copy of all such certificates noted in this section.

5.2-3 CONSTRUCTION STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARDS WITHOUT BASE FLOOD ELEVATIONS

New construction or substantial improvements of structures including manufactured homes shall have the lowest floor

including basement elevated to or above the base flood elevation as may be determined in Section 4.3-(2) or 2 feet above the highest adjacent grade where no elevation data is available.

- (1) New construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or openings provided they permit the automatic entry and exit of floodwaters.

5.3 FLOODWAYS

Located within areas of special flood hazard are areas designated as floodways (see definition, Section 2.0). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by Section 3.2 and Section 4.3-2, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Town Board of the Town of Cheektowaga shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Town Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town Engineer in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Town Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Town Board shall consider all technical evaluations, all relevant

factors, standards specified in other sections of this local law and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Town Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Town Engineer shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic

Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.

- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be it enacted this _____ day of _____, 1987 by the
Town Board _____ of the Town of Cheektowaga _____ of
_____ Erie _____ County, New York, to be effective
_____.

SEAL

ATTEST. _____ TOWN CLERK

Item No. 2 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.

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Weber Seconded by Councilman Santa Maria

WHEREAS, the next regularly scheduled Town Board meeting is set for Monday, September 7, 1987, and

WHEREAS, Monday, September 7, 1987 is a legal holiday, namely, Labor Day, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the next regularly scheduled Town Board meeting shall be held on Tuesday, September 8, 1987 at 7:00 P.M.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 4A Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, Monroe Tractor and Implement Co., Inc. has made application and requested the rezoning of property located at Southeast Corner of Genesee Street and Caseway Drive from M-1 Light Manufacturing District to CM-General Commercial District and also requested a Special Use Permit for outside display, demonstration and sale of construction and farm equipment and machinery, said applicant having the permission of the property owner, Peter J. Schmitt Co., Inc., NOW, THEREFORE, ~~BE~~ IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on September 8, 1987 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 Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication..... AUG 20 1987 ;
last publication..... AUG 20 1987 ;
and that no more than six days intervened be-
tween publications.

M. Lewandowski.....

Sworn to before me this 20th
day of August , 19..87..

..... *Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19 87

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 8th day of September 1987 at 6:30 o'clock, P.M., Eastern Daylight Savings time of said day for the purpose of considering the application of Monroe Tractor & Implement Co., Inc./Peter J. Schmitt Co., Inc. for a special permit to use property for outside display, demonstration and sale of construction and farm equipment on property located at southeast corner of Genesee St. & Case-way Drive 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.

BEGINNING at a point in the southerly line of Genesee Street also described as the intersection of the southerly line of lands acquired by the State of New York (Map Number 150, Parcel Number 162) and the easterly line of Case Way dedicated to the Town of Cheektowaga on November 10, 1976; thence southerly along the east line of the Case Way right of way a distance of three hundred fifty and two hundredths (350.02) feet to a point; thence southeasterly along a curve to the left having a radius of twenty-five (25) feet and an arc length of thirty-nine and twenty-seven hundredths (39.27) feet to a point; thence easterly a distance of forty (40) feet to a point; thence southerly at right angles to the previous course a distance of seventy (70) feet to a point; thence westerly at right angles to the previous course a distance of one hundred thirty-five (135) feet to a point; thence southerly at right angles to the previous course a distance of seven and nineteen hundredths (7.19) feet to a point; thence westerly at right angles to the previous course, a distance of two hundred twenty (220) feet to a point; thence southerly at right angles to the previous course and parallel to the the west line of Lot Number seven-five (75) a distance of three hundred twenty two and seventy-nine hundredths (322.79) feet to point; thence easterly at an interior angle of 90 degrees 30' 30" and parallel to the south line of Lot Number seventy-five (75) a distance of six hundred ninety-five and twenty-five hundredths (695.25) feet to a point; thence northerly at an interior angle of 89 degrees 09' 40" and parallel to the east line of Lot Number seventy-five (75) a distance of three hundred thirty-six and fifteen hundredths (336.15) feet to a point; thence westerly at an interior angle of 90 degrees 19' 50" a distance of two hundred fifty-three and twenty-eight hundredths (253.28) feet to a point; thence northerly at an exterior angle of 90 degrees 0' 0" with the previous course a distance of four hundred seventy-three and ninety-three hundredths (473.93) feet; thence to the southerly line of Genesee Street as described as the southerly line of lands acquired by the State of New York (Map Number 150, Parcel Number 162); thence westerly along a curve to the right having a radius of two thousand nine hundred fourteen and eighty three hundredths (2914.83) feet and an arc length of one hundred fifty-two and seventy-eight hundredths (152.78) feet to the place of beginning, containing six and seventy-four hundredths (6.74) acres of land more or less.

BY ORDER OF THE TOWN BOARD
Supervisor: Daniel E. Weber

Councilman:
Thomas M. Johnson, Jr.
William P. Rogowski
Patricia A. Jaworowicz
Christopher J. Kowal
Dennis H. Gabryszak
Rudy A. Santa Maria

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 20, 1987

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... AUG 20 1987 ;
last publication..... AUG 20 1987 ;
and that no more than six days intervened be-
tween publications.

M. Lewandowski.....

Sworn to before me this^{20th}.....

day of August , 19 87

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19 89

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 8th day of September 1987 at 6:30 o'clock, P.M., Eastern Daylight Savings time of said day for the purpose of considering the application of Monroe Tractor & Implement Co., Inc./Peter J. Schmitt Co., Inc. to rezone from M-1 Light Manufacturing District to CM-General Commercial District on property located at southeast corner of Genesee St. & Caseway Drive 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.

BEGINNING at a point in the southerly line of Genesee Street also described as the intersection of the southerly line of lands acquired by the State of New York (Map Number 150, Parcel Number 162) and the easterly line of Case Way dedicated to the Town of Cheektowaga on November 10, 1976; thence southerly along the east line of the Case Way right of way a distance of three hundred fifty and two hundredths (350.02) feet to a point; thence southeasterly along a curve to the left having a radius of twenty-five (25) feet and an arc length of thirty-nine and twenty-seven hundredths (39.27) feet to a point; thence easterly a distance of forty (40) feet to a point; thence southerly at right angles to the previous course a distance of seventy (70) feet to a point; thence westerly at right angles to the previous course a distance of one-hundred thirty-five (135) feet to a point; thence southerly at right angles to the previous course a distance of seven and nineteen hundredths (7.19) feet to a point; thence westerly at right angles to the previous course, a distance of two hundred twenty (220) feet to a point; thence southerly at right angles to the previous course and parallel to the the west line of Lot Number seventy-five (75) a distance of three hundred twenty two and seventy-nine hundredths (322.79) feet to point; thence easterly at an interior angle of 90 degrees 30' 30" and parallel to the south line of Lot Number seventy-five (75) a distance of six-hundred ninety-five and twenty-five hundredths (695.25) feet to a point; thence northerly at an interior angle of 89 degrees 09' 40" and parallel to the east line of Lot Number seventy-five (75) a distance of three-hundred thirty-six and fifteen hundredths (336.15) feet to a point; thence westerly at an interior angle of 90 degrees 19' 50" a distance of two-hundred fifty-three and twenty-eight hundredths (253.28) feet to a point; thence northerly at an exterior angle of 90 degrees 0' 0" with the previous course a distance of four-hundred seventy-three and ninety-three hundredths (473.93) feet; thence to the southerly line of Genesee Street as described as the southerly line of lands acquired by the State of New York (Map Number 150, Parcel Number 162); thence westerly along a curve to the right having a radius of two thousand nine hundred fourteen and eighty three hundredths (2914.83) feet and an arc length of one hundred fifty-two and seventy-eight hundredths (152.78) feet to the place of beginning, containing six and seventy-four hundredths (6.74) acres of land more or less.

BY ORDER OF THE TOWN BOARD
Supervisor: Daniel E. Weber
Councilman:

Thomas M. Johnson, Jr.
William P. Rogowski
Patricia A. Jaworowicz
Christopher J. Kowal
Dennis H. Gabryszak
Rudy A. Santa Maria

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 20, 1987

Item No. 4B Motion by Councilman Rogowski Seconded by Councilman Johnson

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on September 8, 1987 at 7:00 P.M. 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 amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 20th day of August, 1987, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBLIC 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 September 8, 1987 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Duke Road	North-south (new)	Duke Road (old) East-west	Westbound	N.E. Corner
Duke Road	North-south (new)	Duke Road (old) East-west	Eastbound	S.W. Corner

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

Dated: August 17, 1987

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... AUG 20 1987 ;
last publication..... AUG 20 1987 ;
and that no more than six days intervened be-
tween publications.

M. Lewandowski.....

Sworn to before me this^{20th}.....

day of August , 19..87..

Cecelia Westoven.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
NOTICE OF
PUBLIC 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 September 8, 1987 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

Street: Duke Road; Direction: North-south (new); Entrance Street: Duke Road (old) East-west; Traffic Stops: Westbound; Sign Location: N.E. corner

Street: Duke Road; Direction: North-south (new); Entrance Street: Duke Road (old) East-west; Traffic Stops: Eastbound; Sign Location: S.W. corner

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF
CHEEKTOWAGA,
ERIE COUNTY, NEW YORK.
RICHARD M. MOLESKI**

Town Clerk

DATED: August 17, 1987
PUBLISH: August 20, 1987

1000000000
1000000000
1000000000

Item No. 4C Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the vehicle and traffic regulations of the Town be amended, NOW, THEREFORE,

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on September 8, 1987 at 7:00 P.M. 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 amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 20th day of August, 1987, said amendments set forth in the Notice of Hearing.

* * * * *

NOTICE OF PUBLIC 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 September 8, 1987 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Groell Ave.	East-west	Redoak	Southbound	N.W. Corner
Redoak	North-south	Brown Ave.	Eastbound	S.W. Corner
Groell Ave.	North-south	Redoak	Eastbound	S.W. Corner
Losson Road	East-west	Groell Ave.	Northbound	S.E. Corner

Section 76.81. Yield intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Yield</u>	<u>Sign Location</u>
Brookedge Rd.	North-south leg	Brookedge Rd. (east-west leg)	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

BROWN AVE	South side	from the east curblin of Union Road to the west curblin of Redoak.
ASHLEAF DR.	North side	from the east curblin of Rushford Lane to the west curblin of Hillpine Road.
GROELL AVE.	South side and east side	from the east curblin of Union Road to the south curblin of Losson Road.
CLEVELAND DR.	North side	from the east curblin of Beach Road to a point 282 plus or minus feet east of the east curblin of Beach Road.

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

Dated: August 17, 1987

Richard M. Moleski, Town Clerk

MEETING NO. 18
August 17, 1987

Item No. 4C Cont'd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... AUG 20 1987 ;
last publication..... AUG 20 1987 ;
and that no more than six days intervened be-
tween publications.

M. Lewandowski.....

Sworn to before me this 20th.....

day of August....., 19 87..

Cecelia Westoven.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
NOTICE OF
PUBLIC 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 September 8, 1987 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

Street: Groell Ave.; Direction: East-west; Entrance Street: Redoak; Traffic Stops; Southbound; Sign Location: N.W. corner

Street: Redoak; Direction: North-south; Entrance Street: Brown Ave.; Traffic Stops; Eastbound; Sign Location: S.W. corner

Street: Groell Ave.; Direction: North-south; Entrance Street: Redoak; Traffic Stops; Eastbound; Sign Location: S.W. corner

Street: Losson Road; Direction: East-west; Entrance Street: Groell Ave.; Traffic Stops; Northbound; Sign Location: S.E. corner

Section 76-81. Yield intersections shall be amended by adding thereto the following:

Street: Brookedge Rd.; Direction: North-south leg; Entrance Street: Brookedge Rd. (east-west leg); Traffic Yield; Westbound; Sign Location: N.E. corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

BROWN AVE.; South side; from the east curb line of Union Road to the west curbline of Redoak.

ASHLEAF DR.; North side; from the east curb line of Rushford Lane to the west curb line of Hillpine Road.

GROELL AVE.; South side and east side; from the east curb line of Union Road to the south curb line of Losson Road.

CLEVELAND DR.; North side; from the east curb line of Beach Road to a point 282+ feet east of the east curb line of Beach Road.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF
CHEEKTOWAGA,
ERIE COUNTY, NEW YORK.
RICHARD M. MOLESKI
Town Clerk**

**DATED: August 17, 1987
PUBLISH: August 20, 1987**

Item No. 5 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has in effect a Flood Damage Ordinance, and

WHEREAS, changes in Federal legislation and regulations for the National Flood Insurance Program have been enacted which mandate that this town amend its floodplain management regulations, and

WHEREAS, the Department of Environmental Conservation has forwarded a recommended local law to the Town and the Town Engineering Department has reviewed and recommended the adoption of same by the town, and

WHEREAS, after proper notice and publication, this Town Board held a public hearing on August 17, 1987 on Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention," and

WHEREAS, this Board feels that the existing Flood Damage Ordinance should be repealed and the aforesaid Local Law for Flood Damage Prevention should be adopted, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby repeals its Flood Damage Ordinance (a/k/a/ Chapter 30 of the Code of the Town of Cheektowaga, New York), and BE IT FURTHER

RESOLVED that this Town Board hereby also adopts Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention, " and BE IT FURTHER

RESOLVED that such Local Law adoption and ordinance repeal shall take effect upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED that the Town Clerk shall file copies of such Local Law with the State, Federal and County agencies listed on the attached sheet.

* * * * *

Motion by Councilman Johnson Seconded by Councilman Gabryszak to amend the text of Local Law No. 1 of 1987 to change the word "adjacent" to the word "other" in Section 4.3-1(3).

However, before the vote was taken on the amendment a motion was made by Councilman Jaworowicz and seconded by Councilman Rogowski to table the above amendment.

Councilman Johnson then motioned to table the entire resolution, which was seconded by Councilman Kowal, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 6 Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, by resolution dated October 16, 1972, the Cheektowaga Town Board abandoned the formerly existing Town roadway known as Honorine Drive, and

WHEREAS, Honorine Drive was thereafter relocated and deeded to the Town, and

WHEREAS, the owners of 12 Honorine Drive are experiencing title problems with respect to that portion of the abandoned Honorine Drive right-of-way which encroaches on their east property line, and have requested this Town Board to quit claim its interests in such abandoned roadway to them, and

Item No. 6 Cont'd.

WHEREAS, such request has been reviewed by the Town Attorneys Office and the Town Highway Superintendent and it has been determined that such conveyance will not interfere with the Town's rights in the existing Honorine Drive, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached Quit Claim Deed, and BE IT FURTHER

RESOLVED that such conveyance shall be subject to a permissive referendum pursuant to Section 62(2) of the Town Law, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Conveyance of Land Subject to Permissive Referendum in the CHEEKTOWAGA TIMES.

NOTICE OF
ADOPTION OF RESOLUTION
SUBJECT TO
PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that a regular meeting held on the 17th day of August, 1987, the Town Board of the Town of Cheektowaga duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York:

Resolution authorizing the Supervisor to execute a Quit Claim deed for a portion of the former Honorine Drive right-of-way which encroaches approximately 22.2 feet on the easterly boundary line of 12 Honorine Drive.

Dated: August 17, 1987

RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... AUG 20 1987 ;
last publication..... AUG 20 1987 ;
and that no more than six days intervened be-
tween publications.

M. Lewandowski.....

Sworn to before me this^{20th}.....
August
day of, 19..87..

Cecilia Westoven.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

LEGAL NOTICE
ADOPTION OF RESOLUTION
SUBJECT TO
PERMISSIVE REFERENDUM
NOTICE IS HEREBY GIVEN that at a regular meeting held on the 17th day of August, 1987, the Town Board of the Town of Cheektowaga duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York:
Resolution authorizing the Supervisor to execute a Quit Claim deed for a portion of the former Honorine Drive right-of-way which encroaches approximately 22.2 feet on the easterly boundary line of 12 Honorine Drive.
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga
DATED: August 17, 1987
PUBLISH: August 20, 1987

418070
RECEIVED
TOWN OF CHEEKTOWAGA
AUG 20 1987
TOWN CLERK'S OFFICE

Item No. 7A Motion by Councilman Kowal Seconded by Councilman Gabryszak

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of Two (2) New and Unused 1987 - 1988 Model One Ton Dump Trucks for use by the Cheektowaga Highway Department.

Information to bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga NY 14227, between the hours of 8:00 A.M. and 3:30 P.M. Monday thru Friday and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on September 8th, 1987 in the Council Chambers of the Town of Cheektowaga.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on September 8th, 1987, at 11:00 A.M. for

TWO (2) NEW AND UNUSED 1987 - 1988 MODEL ONE TON DUMP TRUCKS

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga NY 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked "SEALED BID FOR TWO ONE TON DUMP TRUCKS".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

Richard M. Moleski, Town Clerk

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks;
first publication.....
AUG 20 1987
last publication.....
AUG 20 1987
and that no more than six days intervened be-
tween publications.

.....*M. Lewandowski*.....

Sworn to before me this^{20th}.....

day of August....., 19⁸⁷..

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19⁸⁷

**LEGAL NOTICE
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on September 8, 1987, at 11:00 A.M. for

TWO (2) NEW AND UNUSED 1987-1988 MODEL ONE TON DUMP TRUCKS

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga, NY 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked "SEALED BID FOR TWO ONE TON DUMP TRUCKS".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 20, 1987

Item No. 7B Motion by Councilman Kowal Seconded by Councilman Gabryszak

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of snow plow blades, wing blades, cutting edges, wing and front plow shoes, grader blades, receiver grates, receiver frames, curb boxes, extension rings and frames and covers for manholes for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga NY 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on September 8th, 1987.

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 snow plow blades, wing blades, cutting edges, wing and front plow shoes, grader blades, receiver grates, receiver frames, curb boxes, extension rings and frames and covers for manholes before 11:00 A.M. on September 8th, 1987. All sealed bids received will be publicly opened and read. Each sealed bid to be plainly marked "SEALED BID FOR SNOW PLOW BLADES, ETC. FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT".

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.

All bids to be publicly opened and read by the Town Clerk at the Town Hall Council Chambers, Broadway and Union Roads, Cheektowaga NY 14227 on September 8th, 1987 at 11:00 A.M.

Bidders may attend the public opening thereof, if they so desire.

Richard M. Moleski, Town Clerk

DATED: August 17, 1987

PUBLISHED: August 20, 1987

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Grewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication..... AUG 20 1987..... ;
last publication..... AUG 20 1987..... ;
and that no more than six days intervened be-
tween publications.

M. Grewandowski.....

Sworn to before me this^{20th}.....

day of August....., 19⁸⁷.....

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 19⁸⁹

**LEGAL NOTICE
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 snow plow blades, wing blades, cutting edges, wing and front plow shoes, grader blades, receiver grates, receiver frames, curb boxes, extension rings and frames and covers for manholes before 11:00 A.M. on September 8, 1987. All sealed bids will be publicly opened and read. Each sealed bid to be plainly marked "SEALED BID FOR SNOW PLOW BLADES ETC. FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT".

The Superintendent of Highways reserves the right to reject any and 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.

All bids to be publicly opened and read by the Town Clerk at the Town Hall Council Chambers, Broadway and Union Roads, Cheektowaga, NY 14227 on September 8, 1987 at 11:00 A.M.

Bidders may attend the public opening thereof, if they so desire.

RICHARD M. MOLESKI

Town Clerk

DATED: August 17, 1987

PUBLISH: August 20, 1987

Item No. 7C Motion by Councilman Kowal Seconded by Councilman Gabryszak

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of Two (2) New and Unused 1987 - 1988 Model Crew Cab Pickup Trucks for use by the Cheektowaga Highway Department.

Information to bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, NY 14227, between the hours of 8:00 A.M. and 3:30 P.M. Monday thru Friday and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on September 8th, 1987 in the Council Chambers of the Town of Cheektowaga.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will e received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on September 8th, 1987, at 11:00 A.M. for

TWO (2) NEW AND UNUSED 1987 - 1988 MODEL CREW CAB PICKUP TRUCKS

In order to be considered, all bids must be filed with the under- signed Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the Office of Alfred F. Wnek, Highway Superintendent, located at 3145 Union Road, Cheektowaga NY 14227. Proposals must be enclosed and sealed in opaque envelopes, plainly marked with the name of the bidder, also marked, "SEALED BID FOR TWO CREW CAB PICKUPS".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

Richard M. Moleski, Town Clerk

DATED: August 17, 1987

PUBLISHED: August 20, 1987

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

M. Lewandowski....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk.....of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....AUG 20 1987.....;
last publication.....AUG 20 1987.....;
and that no more than six days intervened be-
tween publications.

M. Lewandowski.....

Sworn to before me this20th.....
day of August
....., 1987.

Cecelia Westoven.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1987

**LEGAL NOTICE
NOTICE TO BIDDERS**
NOTICE IS HEREBY GIVEN that sealed proposals will be received, opened and read by the Town Clerk of the Town of Cheektowaga at a bid opening to be held at the Town Hall Council Chambers on September 8, 1987, at 11:00 A.M. for
TWO (2) NEW AND UNUSED 1987 - 1988 MODEL CREW CAB PICKUP TRUCKS

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of opening thereof. Information for bidders and specifications may be obtained from the office of Alfred F. Wuck, Highway Superintendent, located at 3145 Union Road, Cheektowaga, NY 14227. Proposals must be enclosed and sealed in opaque envelope, plainly marked with the name of the bidder, also marked "SEALED BID FOR TWO CREW CAB PICKUPS".

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH BIDS.

RICHARD M. MOLESKI
Town Clerk
DATED: August 17, 1987
PUBLISH: August 20, 1987

Item No. 7D Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, this Town Board provided for the improvement of various Town highways under a three (3) year program utilizing the issuance of bonds for such purpose, AND

WHEREAS, the professional engineering firm of Nussbaumer & Clarke, Inc., Consulting Engineers, was authorized to prepare plans and specifications for Town Hall site improvements, and

WHEREAS, the Highway Superintendent and the Town Engineer advised that said plans and specifications have been completed and recommend that bids be taken for Town Hall site improvements, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this request be granted and that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Town Hall site improvements, said notice to be published in the BUFFALO NEWS and the CHEEKTOWAGA TIMES, AND, ~~BE~~ IT FURTHER

RESOLVED that sealed bids will be received on the 31st day of August, 1987 at 11:00 A.M., Local Time at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

TOWN HALL/SENIOR CITIZENS CENTER PARKING AREA EXPANSION
AND ROAD IMPROVEMENT PROJECT
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 31st day of August, 1987 at 11:00 A.M. Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of new pavements, catch basins and storm sewers including appurtenances and related work, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202 from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of Town Hall/Senior Citizens Center Parking Area Expansion and Road Improvement Project."

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

Item No. 7D Cont'd.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 300 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI
Town Clerk

DATED: August 17, 19887

PUBLISHED: August 20, 1987

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

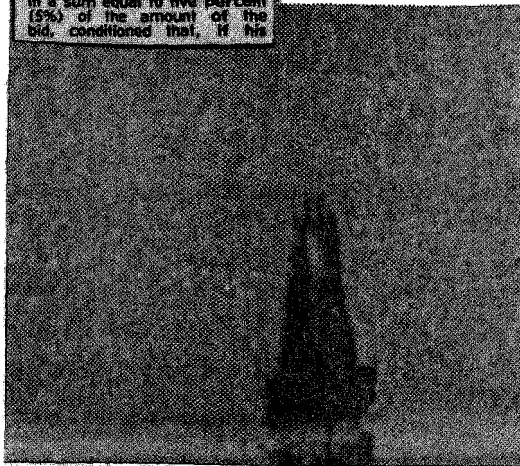
*SEE NEXT TWO (2) PAGES FOR AFFIDAVITS OF PUBLICATION.

PLEASE NOTE! The Cheektowaga Times neglected to publish the Notice to Bidders in their paper on August 20, 1987. Therefore, there is no affidavit of publication from the Times.

State of New York

ERIE COUNTY
CITY OF BUFFALO

to other than the low bidder should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with law, are hereby reserved.
Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his



D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that She is Principal Clerk

of the BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken

from said newspaper is a copy, was inserted and published therein once ~~at least for XXXXXXXXXXXX weeks, the~~

~~XX~~ first insertion being on the 20th day of August

19 87 ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ and the last insertion being on the day

~~of XXXXXXXXXXXXXXXXXXXXXXX~~
D. Eileen Perry

Sworn to before me this 20th day
of August 19 87

Harold A Mann
Notary Public, Erie County, N.Y.

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 30, 19... *88*

State of New York

ERIE COUNTY
CITY OF BUFFALO

TOWN HALL
SENIOR CITIZENS CENTER
PARKING AREA
EXPANSION AND ROAD
IMPROVEMENT PROJECT
TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK
NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN
that sealed proposals will be
received and considered by
the Town Board of the Town
of Cheektowaga, County of
Erie, State of New York, on
the 31st day of August, 1987,
at 11:00 A.M. Local Time, in
the Town Hall in the Town of
Cheektowaga, New York for
furnishing all labor, materials,
tools, equipment and incidentals
required for the construction
of new pavements, catch
basins and storm sewers, including
excavation and related
work, complete in place,
tested and ready for use, in

accordance with the Contract
Documents, hereinafter including
Plans, Specifications, Instructions
to Bidders, etc., prepared by
Nussbaumer & Clarke, Inc., Consulting
Engineers for the said project.
Plans are on file in the office
of the Town Engineer of
Cheektowaga, Town Hall,
Broadway and Union Road,
Cheektowaga, New York
14227.

Copies of the proposed
Contract Documents, Plans,
Specifications and Instructions
to Bidders may be examined
at the above office and at the
office of the Engineers at 318
Delaware Avenue, Buffalo,
New York 14202 from which
latter office copies may be
secured upon payment of
\$50.00 per set of documents.
Deposits should be made in
the form of two \$25.00 checks
made payable to the Town of
Cheektowaga, New York.

The envelopes containing the
bids must be sealed, addressed
to the Town of Cheektowaga,
Erie County, New York, and must be
designated as "Bid for Construction
of Town Hall/Senior Citizens
Center Parking Area
Expansion and Road
Improvement Project".

Any bid not delivered in person
shall be mailed to the
office of the Town Clerk,
Town of Cheektowaga, Town
Hall, Broadway and Union
Road, Cheektowaga, New
York 14227.

Any bidder returning Plans
and Specifications in good
condition within thirty (30)
days following the award of
the contract or rejection of
the bids, will be refunded the
full amount of the deposit.
Similarly, non-bidders will be
refunded one-half the deposit.
Material suppliers and anyone
returning the Plans and Specifications
before the bid opening
will be classed as non-bidders.
Any bidder requesting
more than one (1) set of
Plans and Specifications may
purchase the excess, but it is
understood that they are not
returnable. No refund will be
made for documents received
after this 30-day period.

The right to reject any and all
bids, to waive any informality
in, or to make an award
to other than the low bidder,
should it be deemed to be in
the best interest of the Town
of Cheektowaga, and in accordance
with law, are hereby reserved.

Each proposal must be accompanied
by a certified check for a sum
equal to five percent (5%) of the
amount of the bid, payable to the
order of the Town of Cheektowaga,
New York, or bond with sufficient
sureties to be approved by the
Attorney for the Town of
Cheektowaga, New York, in a sum
equal to five percent (5%) of the
amount of the bid, conditioned that, if its

proposal be accepted, he will
enter into a contract for the
same and that he will execute
such further security as may
be required for the faithful
performance of the contract.
No bidder may withdraw his
bid within forty-five (45) days
after the date set for the
opening thereof, but may
withdraw same any time prior
to the scheduled date for
the opening of bids.
The successful bidder will be
required to furnish a performance
bond acceptable to the
Owner, in an amount equal to
the contract award.
Attention of the bidders is
further called to Section 2603
of the Public Authorities Law
which requires a bidder's
Certificate of Non-Collusion.
Such certificate is part of the
bid or proposal form and,
unless completed with, such bid
will not be accepted.
The Town of Cheektowaga is
an exempt organization under
the Tax Law and is exempt
from payment of sales and
compensating use taxes of the
State of New York and cities
and counties of the State on
all materials which are to be
incorporated into the project,
pursuant to the provisions of
the contract. THESE TAXES
ARE NOT TO BE INCLUDED
IN THE BID.
The work shall be completed
within 300 consecutive calendar
days, to begin five (5)
days after the "Order to
Commence Work" has been
issued.

By Order of
RICHARD M. MOLESKI
Town Clerk
Dated: August 17, 1987

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes
and says that She is Principal Clerk
of the BUFFALO EVENING NEWS, INC., Publisher of
THE BUFFALO NEWS, a newspaper published in said
city, that the notice of which the annexed printed slip taken
from said newspaper is a copy, was inserted and published
therein once ~~twice for~~ ~~twice~~ ~~the~~

first insertion being on the 20th day of August
19 87 ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
and the last insertion being on the day

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
D. Eileen Perry

th day

Harold A Mann
Notary Public, Erie County, N.Y.

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 27, 1988

MEETING NO. 18
August 17, 1987

Item No. 8 Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

<u>Parks Division - #01-007110-1-0-1491-001</u>	<u>Effective</u>
Erich Fuerter	Immediately
Joan McKinley	Immediately
William Dillemoth	Immediately

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9A Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1987 summer program:

<u>Parks Division - #01-007110-1-0-1491-001 - \$3.35 per hour</u>	<u>Effective</u>
John Kocheł	8/27/87
John Mueller	8/31/87
William Rogowski, Jr.	8/30/87

<u>Street Lighting Division - #02-905182-1-0-1492-001</u>	
Steven Dunkowski	8/30/87
Donald Havernick	8/30/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9B Motion by Councilman Gabryszak Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-time Employees in the various Departments and at the rates listed:

<u>SEWER MAINTENANCE DEPARTMENT - Seasonal - \$3.35 per hour</u>	<u>Effective</u>
Raymond Nowak	8/18/87
Jeff Mrugalski	8/18/87
Alex Pajak	8/18/87
James Kosobucki	8/18/87

<u>MAIN PUMP STATION - Seasonal - \$3.75 per hour</u>	
Chet Kensy	8/03/87

<u>SANITATION DEPARTMENT - Part-time - \$5.00 per hour</u>	
John Kwiatkowski	8/18/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED that Nick LaBruna, and Henry Zdarsky, be terminated as employees in the Department of Senior Services.

BE IT FURTHER RESOLVED that Irene Bolszjo,

Item No. 10 Cont'd.

Cheektowaga 14225 be hired as a Van Driver at \$4.25 per hour, at a maximum of 20 hours weekly.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Rogowski Seconded by Councilman Kowal

WHEREAS, the Cheektowaga Youth Bureau is sponsoring a residential camping experience for thirty two developmentally disabled youngsters, and

WHEREAS, this will necessitate selected staff to be transferred from an hourly pay status to a salaried classification for a one week period,

BE IT RESOLVED that the following individuals be hired at the stated salaries for the week of August 16th through August 22nd:

Recreation Supervisor/Program Director - \$250.00 for the week
Deborah Wojtkowski 14043

Recreation Supervisor/Activity Director - \$200.00 for the week
Paulette Mecca 14225
Christine Phillips 14225

Recreation Supervisor/Attendant-Counselors - \$175.00 for the week
Thomas Sinica 14211
Bonnie Lynch 14043
Amy Anderson 14227
Jason Backes 14225
Christy Male 14225
David Imiola 14227
Joleen Dombrowski 14227
Kim Giczkowski 14043
Kathryn Pundt 14043
Cynthia Principato 14225
Tracy Greco 14225
Thaddeus Szarzanowicz 14043
Robin Straker 14225
Paul Marchewka 14227

BE IT FURTHER RESOLVED that the stated individuals will revert to their hourly classification effective August 23rd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, this Town currently has the job classification of Wastewater Pump Station Operator, and

WHEREAS, the Erie County Department of Personnel has recommended that the Town abolish such title and create, in its place, the title of Pump Operator, so as to be in accord with the Erie County Water Authority, NOW, THEREFORE, BE IT

RESOLVED that the title of Wastewater Pump Station Operator be and hereby is abolished and, in its place, is created the title of Pump Operator, and, BE IT FURTHER

Item No. 12 Cont'd.

RESOLVED that those Town employees currently classified as Wastewater Pump Station Operators shall hereafter be referred to as Pump Operator.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13A Motion by Councilman Gabryszak Seconded by Councilman Kowal

WHEREAS, the Town of Cheektowaga Department of Sanitation has a vacancy in the Motor Equipment Operator (Class B) classification, and

WHEREAS, said vacancy has been duly bid in the Sanitation Department as per Collective Bargaining Agreement, NOW, THEREFORE, BE IT

RESOLVED that Francis L. Barrett, , Cheektowaga, New York 14227 be appointed to the position of Motor Equipment Operator (Class B) in the Sanitation Department at a salary in accordance with the Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective August 17, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13B Motion by Councilman Gabryszak Seconded by Councilman Kowal

WHEREAS, the Town of Cheektowaga Department of Sanitation has a Temporary Vacancy in the Motor Equipment Operator (Class B) Utility classification, and

WHEREAS, said vacancy has been duly bid in the Sanitation Department as per the Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that James Torbicki, , Cheektowaga, New York be appointed to the position of Temporary MEO-B Utility Driver in the Sanitation Department at a salary in accordance with the Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association retroactive to August 10, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13C Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, a temporary vacancy exists in the Town of Cheektowaga Department of Sanitation for the position of Laborer, AND

WHEREAS, this temporary vacancy has been properly posted in accordance with the bargaining agreement between the Town of Cheektowaga and the Cheektowaga Employees Association, NOW, THEREFORE, BE IT,

RESOLVED that John Szczepanik, , Cheektowaga, New York, having properly bid on the above position of Laborer in the Sanitation Department, at a salary in accordance with the bargaining agreement between the Town of Cheektowaga and the Cheektowaga Employees Association; said appointment effec-

Item No. 13C Cont'd.

tive: August 17, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, Harry L. Bollman, an officer in the Cheektowaga Police Department has applied for a Military Leave of Absence from September 14, 1987 through September 27, 1987, 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, said Section 242 of the Military Law also provided 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 Police Officer Harry L. Bollman is granted a military leave of absence from September 14, 1987 through September 27, 1987, and BE IT FURTHER

RESOLVED that Harry L. Bollman, be paid his salary or other compensation while on such military leave.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 15A Motion by Supervisor Weber Seconded by Councilman Johnson

WHEREAS, the New York State Association of Traffic Safety Boards will be holding its 1987 annual meeting in Lake George on September 16-18, 1987, and

WHEREAS, the Cheektowaga Traffic Safety Commission has requested permission to send its Chairman, Carl Perlino, to such meeting, NOW, THEREFORE, BE IT

RESOLVED that Carl Perlino be and hereby is authorized to attend the aforementioned Traffic Safety Board meeting, and BE IT FURTHER

RESOLVED that Carl Perlino shall be reimbursed by the Town for his expenses, not to exceed \$250.00.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 15B Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, Cheektowaga Central Junior/Senior High School desires to have a Homecoming Parade on Friday, September 25, 1987 at 6:30 P.M., AND

WHEREAS, the Homecoming Parade will begin on Postal Drive and proceed south on Union Road to the Cheektowaga Central Junior/Senior High School, AND

Item No. 15B Cont'd.

WHEREAS, Cheektowaga Central has requested permission from the Town Board to have its Homecoming Parade and desires to have a police escort, NOW, THEREFORE, BE IT

RESOLVED that Cheektowaga Central Junior/Senior High School be and hereby is authorized to conduct its Homecoming Parade along the above-mentioned route, AND, BE IT FURTHER

RESOLVED that the Chief of Police be and hereby is directed to provide traffic safety and escort arrangements for such Homecoming Parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law of the State of New York, AND, BE IT FURTHER

RESOLVED that this Town Board hereby also encourages Forks Hose Company No. 2 to supervise and extinguish the Bon Fire planned by Cheektowaga Central Junior/Senior High School for its Homecoming Pep Rally.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16A Motion by Supervisor Weber Seconded by Councilman Johnson

WHEREAS, an opportunity exists for the Town to apply for funds for housing rehabilitation through the New York State Affordable Housing Corporation, AND

WHEREAS, said funds can be used in conjunction with Community Development funds to accomplish needed rehabilitation for low and very-low income homeowners, and

WHEREAS, the Town Community Development Office is preparing an application for submission to the State for said funds, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to sign said application, and any related documents, and submit same to the New York State Affordable Housing Corporation for a grant of up to \$100,000 for "home improvements" for low and very-low income Town homeowners under the Affordable Home Ownership Development Program, as authorized by Section 1113(1) of the Private Housing Finance Law, AND BE IT

FURTHER RESOLVED that a copy of this resolution be forwarded to State Assemblyman Dennis Gorski and State Senator Dale Volker.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16B Motion by Supervisor Weber Seconded by Councilman Johnson

WHEREAS, the Town has previously received approval from the Department of Housing & Urban Development of a Two Million Dollar (\$2,000,000) Section 108 Loan Guarantee, AND

WHEREAS, the commitment for use of these funds expires September 1, 1987, AND

WHEREAS, the Town and Buffalo Airport Center Associates have reached agreement on terms and conditions for use of said funds for the development project at the former Westinghouse facility and are preparing contract documents for said project, AND

Item No. 16B Cont'd.

WHEREAS, Buffalo Airport Center Associates have requested an extension from September 1, 1987 to November 1, 1987 of the date for final drawdown of said funds from H.U.D., NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to submit a request to the Department of Housing & Urban Development for an extension from September 1, 1987 to November 1, 1987 of the "initial maturity date" of the promissory note from H.U.D. for said Section 108 Loan Guarantee.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16C Motion by Councilman Rogowski Seconded by Councilman Santa Maria

WHEREAS, the contract for Stiglmeier Park Improvements, Phase II, included the construction of a football field, and

WHEREAS, the contractor for such public project, M. Passucci General Construction, Inc., its agents, employees and/or subcontractors, constructed the said football field, in part, outside of town park land and on property owned by Henry M. and Arlene Fronckowiak, and

WHEREAS, in an effort to mitigate the damages sustained, both actual and potential, by both the Town and the Fronckowiaks, the Town acquired ownership of Old Losson Road from the County of Erie and the Owasco River Railway, Inc., and agreed to exchange such abandoned roadway for a conveyance by the Fronckowiaks of a parcel of land containing that portion of the aforesaid football field, and

WHEREAS, one of the expenses incurred in perfecting the Town's ownership of Old Losson Road was the payment of the sum of \$3,500.00 to the said Owasco River Railway, Inc., which sum was advanced by the Fronckowiaks, and

WHEREAS, it appears that the Town has an obligation to repay the sum advanced on its behalf by the Fronckowiaks and to pursue the aforementioned contractor for all costs and expenses incurred on account of the improper location of the said football field,

NOW, THEREFORE, BE IT RESOLVED that the Town reimburse Mr. and Mrs. Henry M. Fronckowiak the sum of \$3,500.00, which was advanced by them on the Town's behalf, and BE IT FURTHER

RESOLVED that the Town Attorney be and he hereby is authorized to commence any and/or necessary proceedings against the contractor, or anyone else, who is responsible for the expenses incurred on account of the misalignment of the football field at Stiglmeier Park.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen W.P. Rogowski, Jaworowicz, Kowal,
Gabryszak and Santa Maria
NAYES: Councilman Johnson
ABSENT: 0

Item No. 16D Motion by Councilman Johnson Seconded by Councilman Rogowski

WHEREAS, Mr. Ernest A. Holfoth, the Town's Insurance Consultant, has evaluated proposals for renewal of Public Officials Liability Insurance, the current policy having expired on August 8, 1987, and

WHEREAS, the premium for such insurance, issued by the North River Insurance Company, has increased from \$3,300.00 to \$13,343.00; while the deductible loss has increased from \$3,000.00 to \$10,000.00, and

Item No. 16D Cont'd.

WHEREAS, the Town's Insurance Consultant has advised this Town Board that most losses consist of defense of claim costs under the deductible,

NOW, THEREFORE, BE IT RESOLVED that in view of the increased cost and deductible without apparent benefits, the town declines to renew its Public Officials Liability Insurance, and BE IT FURTHER

RESOLVED that the Town elects to self-fund the risk of losses from claims made against its public officials and employees, and that same be administered as part of the Town's self funded General and Police Liability Program, and BE IT FURTHER

RESOLVED that the sum of \$10,000, the approximate amount of the aforesaid increased insurance premium, be added to the self-insured reserve funds.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, pursuant to the Unsafe Building and Collapsed Structures Ordinance of the Town of Cheektowaga, a Notice to Demolish, Etc. concerning 147 Chapel Avenue was filed in the Erie County Clerk's Office on October 5, 1984, and

WHEREAS, the owner of Lucy A. Wyrzanowski, is now deceased and her Estate is attempting to sell such property, and

WHEREAS, representatives of such Estate are in the process of repairing such dwelling and garage to the satisfaction of the Town Building Inspector, and will complete same before the end of the 1987 construction season, and

WHEREAS, attorneys for such Estate have requested that the Town cancel the aforementioned Notice to Demolish, Etc., NOW, THEREFORE, BE IT

RESOLVED that the Town Attorneys Office be and hereby is directed to prepare any and all documents necessary to effectuate the cancellation of record of the aforementioned Notice to Demolish, Etc., and BE IT FURTHER

RESOLVED that the appropriate official(s) of the Town be and hereby are authorized to execute the necessary paperwork on this matter.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board (Northeast Board) is to find environmentally sound and cost efficient alternatives for the management and disposal of solid wastes, and

WHEREAS, by resolution dated November 18, 1985, this Town Board authorized the Town to act as the lead agency for all activities involved in the preparation of a final feasibility study and preliminary engineering work concerning the development of a waste-to-energy facility at Wende, and

WHEREAS, all of the municipalities comprising the Northeast Board, including the Town of Cheektowaga, have appropriated sufficient funds for the preparation of such feasibility study and engineering work, including a \$200,000 aid to

Item No. 18 Cont'd.

municipalities grant in contract with the Northeast Communities Solid Waste Management Board (Represented by Elma, New York) and N.Y.S.D.E.C., and

WHEREAS, the firm of Barton and Loguidice, P.E., consulting engineers and land surveyors, were retained to do the necessary feasibility study with budgeted funding therefore, and

WHEREAS, Barton and Loguidice, P.E., have submitted bills to the Northeast Board for their services, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga, as lead agency and chairman for the Northeast Communities Solid Waste Management Board, hereby authorizes the Chief Fiscal Officer of the Town of Elma, being the Treasurer of the Northeast Communities Solid Waste Management Board, to withdraw the sum of \$3,706.69 (for the period of 9/28/86-11/22/86) from the Northeast Board's checking account and to pay said sums to Barton and Loguidice, P.E. for services rendered by such engineers for solid waste management planning and project development to date.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, the Town of Lancaster has asked the Town of Cheektowaga to renew its agreement with it for the proper disposal of dead dogs for the Town of Lancaster, and

WHEREAS, Cheektowaga's Dog Control Officers have recommended renewal of such agreement provided the fee for the disposal of each dog is increased from \$5.00 to \$6.50, and

WHEREAS, an agreement between the Towns of Lancaster and Cheektowaga has been prepared and is acceptable to the Town Attorney's Office, and

WHEREAS, this Town Board, in an expression of inter-municipal cooperation, is willing to enter into such an agreement with the Town of Lancaster, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Dog Disposal Agreement on behalf of the Town of Cheektowaga.

*SEE NEXT THREE (3) PAGES FOR COPY OF AGREEMENT.

DOG DISPOSAL AGREEMENT

Made this 17th day of August, 1987, authorized by Article 5-G of the General Municipal Law of the State of New York and Article (7) of the New York Agricultural and Markets Law, by and between the TOWN OF CHEEKTOWAGA, a municipal corporation in the State of New York, party of the first part, and the TOWN OF LANCASTER, a municipal corporation in the State of New York, and having its office and principal place of business at the Town Hall, 21 Central Avenue, in the Town of Lancaster, County of Erie and State of New York, party of the second part.

W I T N E S S E T H :

That the party of the first part, in consideration of the payment to it by the party of the second part of the sum of money to be paid in the manner hereinafter particularly described, hereby covenants and agrees that:

FIRST: The party of the first part, through its duly appointed agents and employees, will humanely destroy or dispose of, pursuant to and as provided in Section 118 of the Agricultural and Markets Law, dead dogs delivered to the party of the first part by the party of the second part.

SECOND: In consideration of the performance by the party of the first part of the terms of this Agreement, the party of the second part hereby agrees to pay the party of the first part the sum of Six Dollars and Fifty cents (\$6.50) per dead dog.

THIRD: The party of the second part hereby agrees to indemnify and hold harmless the party of the first part from and against all claims, damages, losses and expenses, including attorneys' fees, that shall or may be brought against or occasioned by the party of the first part arising out

of the actions of the party of the second part prior to the delivery of the dead dogs to the party of the first part. In no event shall the party of the second part be responsible for damages caused by any negligent acts or omissions on the part of the party of the first part under this Agreement.


FOURTH: The aforesaid sum stated in condition numbered "SECOND" of this Agreement is to be billed monthly on a properly-itemized voucher by the party of the first part to the party of the second part.

FIFTH: Said dead dogs shall be delivered to the Cheektowaga Dog Pound by agents or employees of the party of the second part at a time mutually agreeable to both parties.

SIXTH: This Agreement shall commence on the 1st day of September 1987 and shall continue for a period of one (1) year.

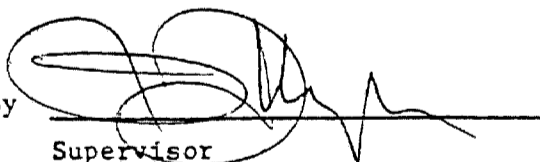
IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed and this Agreement to be signed by their duly authorized officers, the day and year first above written.

TOWN OF CHEEKTOWAGA

By 
Supervisor

(L.S.)

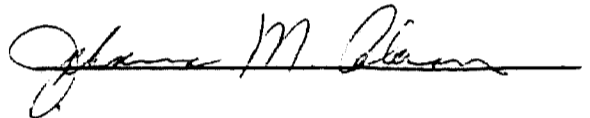
TOWN OF LANCASTER

By 
Supervisor

(L.S.)

STATE OF NEW YORK:
COUNTY OF ERIE : SS:
TOWN OF LANCASTER:

On this *19th* day of *August*, 1987, before me personally came STANLEY JAY KEYSA, to me known to be the Supervisor of the Town of Lancaster, New York, and the person who executed the foregoing instrument on behalf of Town of Lancaster, who, being by me duly sworn, did depose and say that he executed the said instrument by Order and Resolution of the Town Board of the Town of Lancaster, New York, and that the Seal affixed is the seal of such Town and that it was so affixed thereto by like order of the Town Board of said Town.

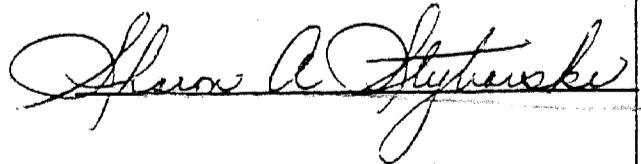


STATE OF NEW YORK :
COUNTY OF ERIE : SS:
TOWN OF CHEEKTOWAGA:

JOHANNA M. COLEMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires
12/31/89

On this 25th day of August, 1987, before me personally came Daniel E. Weber, to me known to be the Supervisor of the Town of Cheektowaga New York, and the person who executed the foregoing instrument on behalf of the Town of Cheektowaga, who, being by me duly sworn, did depose and say that he executed the said instrument by Order and Resoltuion of the Town Board of the Town of Cheektowaga, New York, and that the Seal affixed is the seal of said Town and that it was so affixed thereto by like order of the Town Board of said Town.

SHARON A. STYBORSKI
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES SEPT. 30, 19*89*



Item No. 19 Cont'd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, the developer of Phase I of the Gardenville Industrial Park is required to install a water main as part of the development of said industrial subdivision, AND

WHEREAS, two (2) hydrants must be installed in Phase I of the Gardenville Industrial Park prior to acceptance of the water main extension by the Erie County Water Authority as part of their water transmission system, AND

WHEREAS, the hydrant locations have been approved by the Board of Fire Commissioners of Bellevue Fire District #9 and are located on the north side of the proposed highway at 100 feet and 600 feet west of the center line of Union Road, NOW, THEREFORE, BE IT

RESOLVED that the cost of the two (2) hydrants is to be borne by the developer, AND, BE IT FURTHER

RESOLVED that the Town of Cheektowaga is responsible for the payment of annual hydrant rental charges to the Erie County Water Authority with such funding recovered by Town billings to the respective fire company.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21A Motion by Councilman Johnson Seconded by Councilman Rogowski

WHEREAS, on August 4, 1986 this Town Board awarded the contract for sanitary sewer remedial work in Sanitary Sewer Districts #5 and #7 in the amount of \$213,637.00 to Amadori Construction Company, AND

WHEREAS, the Town Engineer, the consulting firm of Nussbaumer & Clarke, Inc., and the Project Engineer, Allan Blachowski, approved Change Order #1 in the sum of \$52,707.17 as a reduction in the contract's final revised bid quantities and deleted contract sections, NOW, THEREFORE, BE IT

RESOLVED that Change Order #1, for a total decrease to the original contract price of \$52,707.17 to Amadori Construction Company, be approved, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said Change Order #1.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21B Motion by Councilman Kowal Seconded by Councilman Gabryszak

WHEREAS, the contract for the construction of the Highway Garage Floor in the amount of \$72,538.85 was awarded to J. Pearce & Son, Inc., 420 Meyer Road, West Seneca, New York 14224, AND

Item No. 21B Cont'd.

WHEREAS, the Project Engineer deemed it necessary that a reinforced anchored concrete step be installed for the safety of the men moving between buildings for a total cost of \$100.00, AND

WHEREAS, it was also deemed necessary by the Project Engineer that two (2) steel pipe ballards be installed at the north exit door to protect the personnel leaving the building at an additional cost of \$100.00 per steel pipe ballard, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to sign said Change Order No. 2 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, the county of Erie, pursuant to a tax foreclosure proceeding, became the owner of a 50.24 acre parcel of land south of Walden Avenue and west of Harlem Road known as 1019 Walden Avenue, and

WHEREAS, such land is the subject of constant complaints from residents because of the high weeds and debris that exist on the property, and

WHEREAS, the Town has offered to purchase such land from the County and has pledged to keep such land clean of debris, high weeds, etc., and

WHEREAS, by resolution dated May 7, 1987, the Erie County Legislature, offered to convey such land to the Town for \$2,917.30 provided the Town cleans up such land, and

WHEREAS, it now appears that the County Commissioner of Finance has rejected the purchase price as agreed upon between the Town and the County Legislature, and

WHEREAS, such property is presently in a deplorable condition and residents are complaining about same, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby directs the County of Erie to remove the high weeds and debris from its property located at 1019 Walden Avenue and to maintain same in a clean manner, and BE IT FURTHER

RESOLVED that the Town Building Inspector be and hereby is directed to formally notify the County of the unclean condition of its property and direct the County to clean same, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the County Executive, Clerk of the County Legislature, County Health Department and County Legislator Richard A. Slisz.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 23A Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at the rear of 3466 Genesee Street, Cheektowaga, New York, SBL #91.16-1-20 and according to the Assessor's Office is owned by Alfred Doro, Cheektowaga, and

Item No. 23A Cont'd.

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 23B Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located 928 French Road, Cheektowaga, New York, SBL #125.11-5-11 and according to the Assessor's Office is owned by William F. Lisnerski, , Cheektowaga, New York, and,

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 23C Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at Louis and Genesee Street, Cheektowaga, New York, SBL #91.16-2-31 and according to the Assessor's Office is owned by John N. Anderson, , Buffalo, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has received notification of an open and hazardous abandoned cellar on Harlem Road between McParlin Avenue and Daniel Avenue, SBL #'s 102.46-4-28 and 102.46-4-27, and according to the Assessors' Office is owned by Theodore Demblewski, Villa Park, California 92667,
AND

WHEREAS, this condition requires that immediate steps be taken to fill in and secure all points of access into this abandoned cellar to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that all points of access into this cellar be filled in and secured and all costs incurred be assessed against the property owner thereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Supervisor Weber Seconded by Councilman Kowal

BE IT RESOLVED that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND

From: 01-7110-4191 (Facilities-Miscellaneous) \$ 800.00
To: 01-7110.4141 (Facilities-Chemicals) \$ 800.00

SPECIAL DISTRICT FUND

From: 02-508125.4543 (SD No. 5-Remedial) \$10,000.00
To: 02-508125.1404 (SD No. 5-Engineering Overtime) \$10,000.00

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to August 17, 1987 are hereby approved and made a part hereof.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$1,666,364.80
SPECIAL DISTRICT FUND	774,853.24
HIGHWAY FUND	549,273.86
FEDERAL REVENUE SHARING FUND	131,556.06
CAPITAL FUND	450,833.71
TRUST & AGENCY FUND	439,829.31
HUD-CDBG FUND	45,435.36
HUD-REHABILITATION FUND	4,817.00
PART TOWN FUND	26,670.00
SPECIAL ASSESSMENT FUND	1,116.25
	<u>\$4,090,749.59</u>

Item No. 26 Cont'd.

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 27 Earl Loder, Disaster Coordinator: Quarterly Report for April to June 1987.
Received and filed.

Item No. 28 Cheektowaga Traffic Safety Commission: Minutes of July meeting.
Received and filed.

IV. GENERAL COMMUNICATIONS

Item No. 29A Notice of Claim: Allstate Insurance Co. (George Eberle) vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Joseph Naples, Insurance Carrier; and Robert Lis, Chief of Police.
Received and filed.

Item No. 29B Notice of Claim: Linda Krywalski vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Laverack & Haines, Insurance Carrier.
Received and filed.

Item No. 29C Notice of Claim: Christopher, Matthew and Halina Pietrzyk vs. Town of Cheektowaga.
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Alfred Wnek, Highway Superintendent and Robert Lis, Chief of Police.
Received and filed.

Item No. 29D Notice of Claim: Bernard P. Rubach vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Joseph Naples, Insurance Carrier and Pat Wojcik, Senior Services.
Received and filed.

Item No. 30 Cheektowaga Chamber of Commerce: Galleria Mall Position Statement.
Copies were sent to: Daniel E. Weber, Supervisor and Karen McAuley, Council Secretary and James Kirisits, Town Attorney.
Received and filed.

Item No. 31 Homeowners on Mafalda Drive, Nina Court and Fontaine Drive: Request to speak regarding flooding problems.
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney and Karen McAuley, Council Secretary.
Received and filed.

Motion by Councilman Johnson Seconded by Councilman Santa Maria to suspend the rules to include the following item and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 32 Town Board applauds INTERCAMBIO Exchange Program and welcomes exchange student.

Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, "INTERCAMBIO" was founded in 1959 as a cultural exchange program to help young people and their families understand the culture of another country by means of a family living experience, and

WHEREAS, in such program, Mexican boys and girls come to the United States and Canada while American and Canadian young people can go to Mexico and Central America, and

WHEREAS, this summer, Araceli telled Sanchez is visiting our country with the Bourkney family of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby welcomes Araceli telled Sanchez to this country and our Town and wishes her the best in her stay in our Town, and BE IT FURTHER

RESOLVED that this Town Board hereby also applauds the INTERCAMBIO exchange program as a means to establish better relations between North and Central American countries and as a way to enrich the culture of our children.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Weber Seconded by Councilman Santa Maria to adjourn the meeting in memory of Mr. Charles Hauser, former member of the Cheektowaga Planning Board, Mr. John Darlak, member of Doyle #2 Fire Company and Mr. Jerome Jaszcz.

RICHARD M. MOLESKI
Town Clerk

DATED: August 17, 1987

PUBLIC HEARINGS held at 6:30 P.M.

NO.

ITEM

Meeting No. 19 September 8, 1987

- 1 S.E. Corner of Genesee Street and Caseway Drive - Rezoning from M1-Light Manufacturing to CM-General Commercial District and Special Use Permit for outside display, demonstration and sale of construction and farm equipment

Meeting No. 21 September 21, 1987

- 1 4195 Genesee Street - Rezoning from M-1 - Light Manufacturing to CM-General Commercial District and Special Use Permit to use property for car sales

Meeting No. 22 October 5, 1987

- 1 3814 Union Road - Special Use Permit for Retail Auto and Small Truck Transmission Rebuilding facility

PUBLIC HEARINGS

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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 8th day of September, 1987 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; James Kirisits, Town Attorney; Casimir Kozminski, Assessor; Andrew Kulyk, Representative of Zoning Board of Appeals; Sal LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Ronald Marten, Building Inspector; Raymond Pugh, Representative of Planning Board; Donald Wegner, Chairman of Zoning Board of Appeals; and Patricia Wojcik, Senior Citizens Coordinator.

I. PUBLIC HEARINGS

Item No. 2A 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, Article VIII: Stop and yield intersections: DUKE ROAD, 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 amendment being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Duke Road	North-south (new)	Duke Road (old) East-west	Westbound	N.E. Corner
Duke Road	North-south (new)	Duke Road (old) East-west	Eastbound	S.W. 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.

Item No. 2B 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, Article VIII: Stop and Yield Intersections: GROELL AVENUE,

Item No. 2B Cont'd.

REDOAK, LOSSON ROAD, BROOKEDGE ROAD; and Article X: Parking, Standing and Stopping: BROWN AVENUE, ASHLEAF, GROELL AVENUE and CLEVELAND DRIVE, 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 amendments being as follows:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Groell Ave.	East-west	Redoak	Southbound	N.W. Corner
Redoak	North-south	Brown Ave.	Eastbound	S.W. Corner
Groell Ave.	North-south	Redoak	Eastbound	S.W. Corner
Losson Road	East-west	Groell Ave.	Northbound	S.E. Corner

Section 76.81. Yield intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Yield</u>	<u>Sign Location</u>
Brookedge Rd.	North-south leg	Brookedge Rd. (east-west leg)	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

BROWN AVE.	South side	from the east curblin of Union Road to the west curblin of Redoak.
ASHLEAF DR.	North side	from the east curblin of Rushford Lane to the west curblin of Hillpine Road.
GROELL AVE.	South side and east side	from the east curblin of Union Road to the south curblin of Losson Road.
CLEVELAND DR.	North side	from the east curblin of Beach Road to a point 282 plus or minus feet east of the east curblin of Beach 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 Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, Telsco Construction has made application and requested the rezoning of property located at 4195 Genesee Street from M1-Light Manufacturing District to CM-General Commercial District and a Special Use Permit for car sales, said applicant having the permission of the property owner, namely, The Hertz Corporation, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on September 21, 1987 at 6:30 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Item No. 3 Cont'd.

Upon Roll Call.....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justin Derdik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....SEP 10 1987..... ;
last publication.....SEP 10 1987..... ;
and that no more than six days intervened be-
tween publications.

Justin Derdik.....

Sworn to before me this10th.....
day ofSeptember....., 19..87..

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

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 21st day of September 1987 at 6:30 o'clock, P.M., Eastern Daylight Savings time of said day for the purpose of considering the application of Telco Const. Inc./Hertz Corp. to rezone from M1 - Light Manufacturing District to CM - General Commercial District on property located at 4195 Genesee St. 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.

Schedule A

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. 5, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point where the west line of the Spencer Kellogg property, deed recorded in the Erie County Clerk's Office in Liber 5665 of Deeds at page 202 intersects the southerly line of Genesee Street as presently laid out; thence westerly along the said southerly line of Genesee Street 200 feet to a point; thence southerly parallel with the west line of Spencer Kellogg, 135 feet to point; thence easterly parallel with the south line of Genesee Street 206 feet to a point; thence northerly along the westerly line of Spencer Kellogg, 135 feet to the point of beginning.

EXCEPTING therefrom lands appropriated by the State of New York for the widening of Genesee Street, Project SH1212, Genesee Street, Map No. 46, Parcel No. 49.

ALSO EXCEPTING lands conveyed by Texaco Inc. to Huron U-Drive-It Corporation by Deed dated February 16, 1972 and recorded February 28, 1972 in Liber 7893 of Deeds at page 221.

TOGETHER with an easement 15 feet in width to construct, repair and maintain a sanitary sewer over and upon the following lands:

Said 15 foot wide easement shall commence at the southeasterly corner of the above described premises and proceed southerly adjacent to the westerly line of Spencer Kellogg approximately 380 feet; thence easterly parallel to Genesee Street approximately 427.55 feet to the easterly line of lands at Pitt-Orchard, Inc.; thence southerly along the easterly line of Pitt-Orchard, Inc. to the northerly line of lands of the Niagara Mohawk Power Corporation; thence westerly along said northerly line of lands of the Niagara Mohawk Power Corporation approximately 309 feet to a point; thence southerly along the westerly of said Niagara Mohawk Power Corporation approximately 163 feet to the Town of Cheektowaga Sanitary Sewer Line mentioned above.

BY ORDER OF THE TOWN BOARD

Supervisor: Daniel E. Weber
Councilman:

Thomas M. Johnson, Jr.
William P. Rogowski
Patricia A. Jaworowicz
Christopher J. Kowal
Dennis H. Gabryszak
Rudy A. Santa Maria

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 10, 1987

Item No. 4A Motion by Councilman Johnson Seconded by Councilman Santa Maria

WHEREAS, Deborah A. Van Der Puy has applied for a Special Permit for a family day care home and nursery school on property located at 32 Joanne Lane, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 17th day of August, 1987 at 6:30 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended denial of the Special Permit for the following reasons:

1. the area is 100% residential;
2. the only off-street parking available is in the private driveway at this location; and
3. there may not even be enough room to the rear of the building to serve as a play area for the children.

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 32 Joanne Lane, and has rendered a determination that the Special Permit will have a significant effect on the environment and would be an intrusion of a business into a residential district,

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is denied based on the aforementioned reasons as stated by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 4B Motion by Councilman Rogowski Seconded by Councilman Johnson

WHEREAS, this Town Board held a public hearing on September 8, 1987 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) 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 amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

Item No. 4B Cont'd.

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Duke Road	North-south (new)	Duke Road (old) East-west	Westbound	N.E. Corner
Duke Road	North-south (new)	Duke Road (old) East-west	Eastbound	S.W. Corner

Section 2. Time to take effect.

(a) These amendments 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 these amendments which are 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

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

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justina Drafik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk.....of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....SEP. 10 1987..... ;
last publication.....SEP. 10 1987..... ;
and that no more than six days intervened be-
tween publications.

Justina Drafik.....

Sworn to before me this10th.....
day ofSeptember....., 19.87..

.....*Cecelia Westoven*.....

Notary public in and for Erie County, N. Y.

CECELIA WESTOVEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES NOV. 30, 1989

**LEGAL NOTICE
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 8th day of September, 1987, at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber

Councilman: Thomas M. Johnson Jr.
Councilman: William P. Rogowski
Councilman: Patricia A. Jaworowicz
Councilman: Christopher J. Kowal
Councilman: Dennis H. Gabryszak
Councilman: Rudy A. Santa Maria

ABSENT: 0

Motion by: Councilman Rogowski
Seconded by: Councilman Johnson

WHEREAS, this Town Board held a public hearing on September 8, 1987 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) 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 amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

Street: Duke Road, Direction: North-south (new); Entrance Street; Duke Road (old) East-west, Traffic Stops; Westbound, Sign Location: N.E. corner

Street: Duke Road, Direction: North-south (new), Entrance Street; Duke Road (old) East-west, Traffic Stops; Eastbound, Sign Location: S.W. Corner

Section 2 Time to take effect.

(a) These amendments 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 these amendments which are 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

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

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call:

Supervisor Weber, Voting AYE

Councilman Johnson, Voting AYE

Councilman W.P. Rogowski, Voting

AYE

Councilman Jaworowicz, Voting AYE

Councilman Kowal, Voting AYE

Councilman Gabryszak, Voting AYE

Councilman Santa Maria, Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

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 8, 1987 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 appear at item No. 4b, 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 8th day of September 1987.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 10, 1987

MEETING NO. 19
September 8, 1987

Item No. 5A Motion by Councilman Kowal Seconded by Councilman Gabryszak

WHEREAS, after advertisement therefor, bids were duly received on August 3, 1987 for one (1) 1987-88 Model Medium-duty Truck fitted with a 12 foot utility body, and

WHEREAS, the Town Highway Superintendent has reviewed and evaluated such bids and has recommended that such bid be awarded to Gillogly Chevrolet, Inc. for a new and unused 1988 Chevrolet, Model CND042, with 12 foot utility body, for a total bid price, after trade-in, of \$21,947.00, NOW, THEREFORE, BE IT

RESOLVED that the bid for a new and unused 1988 Chevrolet, Model CND042, with 12 foot utility body be and hereby is awarded to Gillogly Chevrolet, Inc., 1777 Union Road, West Seneca, New York, at a net price, after trade-in, of \$21,947.00.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 5B Award of Bid: Town Hall Site Improvements
THIS ITEM WAS WITHDRAWN!

Motion by Councilman Kowal Seconded by Supervisor Weber to dispense with the reading of the names on Items 6 and 7 and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 6A Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

<u>Parks Division - #01-007110-1-0-1491-001</u>	
Randy Palmisano	Effective 9/18/87
Steve Rutkowski	9/24/87
Henry Wawro	9/20/87
Michael Maciag	9/20/87
Matthew Igla	9/20/87
Joseph Trautmann	9/19/87
John Maciag	Immediately
Glenn Stutz	Immediately
Michael Mendel	Immediately

<u>Street Lighting Divison - #02-905182-1-0-1492-001</u>	
Leonard Stachowiak	
Robert Whelan	9/19/87
Barbara Schnurstein	Immediately
	Immediately

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

MEETING NO. 19
September 8, 1987

Item No. 6B Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be terminated, due to her resignation, effective immediately:

SENIOR COUNSELOR - \$4.00
Linda Wopperer 14227

BE IT FURTHER RESOLVED that the following individuals be terminated from the Day Camp for the Developmentally Disabled (7310.1802):

ACTIVITY DIRECTOR - \$5.00
Rosemarie Harrer 14227
Thomas Sinica 14211

SENIOR COUNSELOR - \$4.00
Dawn McFadden 14206

COUNSELOR III \$3.50
Allayne Yeostros 14225
Tracy Greco 14225
Gabrielle Coyne 14043

COUNSELOR II - \$3.25
Cynthia Boje 14211
Joleen Dombrowski 14227
Kim Giczkowski 14043
Kathryn Pundt 14043
Doreen Skowron 14212
Thaddeus Szarzanowicz 14043
Laura Ziemer 14227

COUNSELOR I \$3.00
Kristen Hallnan 14227
Dawn Heerdt 14227

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 6C Motion by Councilman Kowal Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-Time Employees in the various Departments listed:

MAIN PUMP STATION EFFECTIVE
Victor Podyma Immediately

ASSESSOR'S OFFICE
Jeannette McGuire Immediately
Dorothy Glowacki Immediately
Michael Domagala Immediately

POLICE DEPARTMENT
Carol Ciepiela Immediately
Kerry Ann Ertel Immediately
Susan Fredericks Immediately
Jacqueline Lukowski Immediately
Jennifer Tokasz Immediately
Jennifer Johnson Immediately

Item No. 6C Cont'd.

SANITATION DEPARTMENT

Eric Ozalins	8/7/87
Todd Griener	8/18/87
David Lease	8/20/87
Jeff Zozwiak	8/21/87
Kevin Ratka	8/21/87
Kevin Trietley	8/25/87
John Zyla	7/24/87
Peter Myhalenko	8/28/87
Dennis Bolis	7/28/87

TOWN CLERK'S OFFICE

Paula Ciminelli	9/8/87
Judy Kaczmarek	9/8/87
Lou Ann Aepelbacher	9/8/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 7A Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-Time Employees in the various Departments and at the rates listed:

	<u>Effective</u>
<u>POLICE DEPARTMENT - Seasonal - \$3.35 per hour</u>	
Pamela Kazmierczak	8/27/87
Lynda Twardowski (effective immediately)	(retro.)
<u>TAX OFFICE - Seasonal - \$3.35 per hour</u>	
Mary Kwiek	9/2/87
Jacqueline Mongiovi	9/2/87
Dorothy Glowacki	9/2/87 (retro.)
<u>SANITATION DEPARTMENT - Part-time - \$5.00 per hour</u>	
Jim McCloskey	8/31/87
Leonard Mertowski	9/02/87
Ronald Wasmer	9/07/87 (retro.)

AND BE IT FURTHER

RESOLVED that Robert Jaroszewski of _____, hired as a ? Seasonal employee in the Central Garage, be and hereby is transferred to Sanitation at a rate of \$5.00 per hour, effective 9/7/87.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 7B Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED that William J. Kick, _____, Cheektowaga, New York 14225 be hired as a substitute Van Driver at \$4.25 per hour in the Department of Senior Services.

MEETING NO. 19
September 8, 1987

Item No. 7B

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 7C Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1987 summer program:

Parks Division - #01-007110-1-0-1491-001 - \$3.35 per hour Effective
Dale Matecki retroactive to 8/29/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Rogowski Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be transferred from the Day Camp for the Developmentally Disabled (7310.1802) to the Adapted Recreation Program (7310.1803) effective immediately:

<u>PROGRAM COORDINATOR \$6.50</u> Deborah Ann Wojtkowski	14043
<u>SENIOR COUNSELOR \$4.00</u> Barbara Zielinski	14225
<u>COUNSELOR III \$3.50</u> Jason Backes Cindy Ratajczak	14225 14043
<u>COUNSELOR II \$3.35</u> Anne Priester Paul Marchewka	14225 14227

BE IT RESOLVED that the following individuals be transferred from the Day Camp for the Developmentally Disabled (7310.1802) to the Adapted Recreation Program (7310.1803) with the following change in title and/or salary:

<u>ASSISTANT PROGRAM COORDINATOR \$5.75</u> Christine Philips	14225
<u>ACTIVITY DIRECTORS \$5.25</u> Paulette Mecca David Imiola Bonnie Lynch	14225 14227 14043
<u>COUNSELOR III \$3.50</u> Amy Anderson Christy Male	14227 14225
<u>COUNSELOR II \$3.35</u> Cindy Principato Lynda Diemert Robin Straker	14225 14225 14225

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

MEETING NO. 19
September 8, 1987

Item No. 9 Councilman Rogowski Seconded by Councilman Kowal

WHEREAS, the Town Board previously hired staff for a residential camp for developmentally disabled youth sponsored by the Cheektowaga Youth Bureau, and

WHEREAS, one of the staff became ill,

BE IT RESOLVED that the following changes be made to the weekly pay status:

--Bonnie Lynch removed from the weekly salary classification of \$175 and paid a daily rate of \$28 for one day's service, and

BE IT FURTHER RESOLVED that this individual revert back to an hourly rate of pay on August 23rd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Kowal Seconded by Councilman Gabryszak

WHEREAS, a Temporary General Mechanic vacancy exists in the Cheektowaga Facilities Department, and

WHEREAS, said vacancy has been duly posted in compliance with the labor management agreement between the Town of Cheektowaga and the Cheektowaga Employee's Association, NOW, THEREFORE, BE IT

RESOLVED that Mr. Donald Havernick, , Cheektowaga, NY, 14227 be appointed by the town Board to the position of Temporary General Mechanic in the Facilities Department effective September 8, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11A Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, the Office of Court Administration will sponsor a three-day seminar from October 4th to October 7th, 1987, for Town and Village Court Clerks at Fallsview Country Club in Ellenville, New York, and

WHEREAS, topics to be discussed include forms used in town and village justice courts, recordkeeping, the TSLED ticket system, criminal disposition reporting and the role of the division of criminal justice services in seal orders, new legislation, vehicle and traffic matters, criminal procedures and civil procedures, and

WHEREAS, it appears that continuing training by the Cheektowaga Court Staff on these subject matters is necessary to maintain an efficient court system and to comply with the ongoing and changing administrative rules promulgated by the Unified Court System, THEREFORE,

BE IT RESOLVED that Sandra Stapleton and Susan Schottman be and hereby are authorized to attend said seminar at the Fallsview Country Club, Ellenville, New York, and BE IT FURTHER

RESOLVED that their travel and other actual and necessary expenses to attend said seminar be reimbursed by the town.

Item No. 11A Cont'd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11B Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, a Continuing Judicial Education Program will be held at the Nevelee in Ellenville, N.Y. from October 4th to October 7th, and

WHEREAS, Basic and Advanced Certification courses to be held at said program will be used toward satisfying the judicial education requirements for Town Justices, NOW, THEREFORE, BE IT

RESOLVED that Cheektowaga Town Justices, John V. Rogowski and Henry R. Gabryszak be and hereby are authorized to attend said Judicial Education program at the Nevelee from October 4th to October 7th, 1987, and BE IT FURTHER

RESOLVED that their travel and other actual and necessary expenses to attend said program be reimbursed by the Town and BE IT FURTHER

RESOLVED that they be authorized to use a Town vehicle, if available, for transportation to and from said program.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11C Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, the New York State Office of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York, on October 14-16, 1987, and

WHEREAS, Matthew D. Kawczynski and Edward J. Saternus, Fire Inspectors, for the Town of Cheektowaga, have requested permission to attend such seminar, and

WHEREAS, such seminar will provide the Town's Fire Inspectors with up-to-date information and legislation on fire prevention and control, NOW, THEREFORE, BE IT

RESOLVED that Matthew D. Kawczynski and Edward J. Saternus be and hereby are authorized to attend the "Fire Marshals and Inspectors Seminar" on October 14-16, 1987, and BE IT FURTHER

RESOLVED that the Town pay Mr. Kawczynski's and Mr. Saternus's registration fee of \$5.00; lodging costs of \$60.00; and all other reasonable and necessary expenses incurred in attending such seminar.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11D Motion by Councilman Kowal Seconded by Councilman Gabryszak

WHEREAS, the New York State Assessors' Association is conducting a conference on Assessment Administration in Ellenville, New York on September 20th thru September 23, 1987, and

Item No. 11D Cont'd.

WHEREAS, said conference is administered by the New York State Division of Equalization and Assessment for Assessors to obtain continuing education credits, and

WHEREAS, expenses are not to exceed \$350.00 and reimbursement of part of the expenses will be made by the New York State Division of Equalization and Assessment, NOW, THEREFORE, BE IT

RESOLVED that Casimir A. Kozminski, Assessor, be and hereby is authorized to attend said conference on September 20th thru September 23, 1987, and BE IT

FURTHER RESOLVED that the registration fee and all other reasonable expenses, not to exceed \$350.00, incurred by Casimir A. Kozminski be paid by the town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated June 1, 1987, this Town Board adopted the Deferred Compensation Plan for Employees of the New York State and Other Participating Public Jurisdictions (the "Plan") for the voluntary participation of all eligible non-union, full-time Town employees; and

WHEREAS, the Town of Cheektowaga is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and

WHEREAS, the Town has collectively negotiated an agreement with the Town of Cheektowaga Supervisory Unit to allow employees within such bargaining unit to participate in the Plan, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby adopts the Plan for the voluntary participation of all employees within the Town of Cheektowaga supervisory Unit, and BE IT FURTHER

RESOLVED that the Town Clerk's Office forward a copy of this resolution to The Copeland Companies and Deloitte, Haskins and Sells, and BE IT FURTHER

RESOLVED that the Copeland Companies is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, subsequent to the completion and filing of the assessment roll for the current year, a number of special proceedings for the review of the assessment of certain real properties were commenced against the Town, and

WHEREAS, assessments and assessment review proceedings involve a specialized area of law, accounting and economics, and

WHEREAS, Joseph G. Sacco, attorney at law, is an experienced practitioner in the aforementioned specialized field; and, in fact, has represented the Town on such proceedings for the past several years, and

Item No. 13 Cont'd.

WHEREAS, in addition, the town Assessor has recommended the retention of Mr. Sacco for advice and representation on pending assessment proceedings,

NOW, THEREFORE, BE IT RESOLVED, that Joseph G. Sacco, Esq. be and he hereby is retained to represent the Assessor, the Board of Assessment Review and the Town of Cheektowaga in all assessment review proceedings based on the current assessment roll, and BE IT FURTHER

RESOLVED that his reasonable fees and expenses, as audited by the Town Assessor and/or Town Attorney, be paid.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, the Buffalo-Niagara Frontier Safety Council, in cooperation with the New York State Department of Motor Vehicles and the New York State Department of Insurance, sponsors a 6-hour Defensive Driving Course, and

WHEREAS, it would be in the best interest of the Town of Cheektowaga to have its motor vehicle operators participate in said Defensive Driving Course in order to improve their driving and accident avoidance skills, and

WHEREAS, the Town's Risk Management Consultant has recommended such training as indicated in the attached communication, and

WHEREAS, said program would be conducted on Town premises at a cost of \$17.00 per person, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby requires participation, at Town cost, in such Defensive Driving Course by employees who operate motor vehicles, other than passenger cars, in the Highway, Sanitation, Facilities, Engineering, Central Garage and Sewer Maintenance Departments, AND BE IT

FURTHER RESOLVED that those motor vehicle operators in the above-stated Departments who have recently completed said course be reimbursed, AND BE IT

FURTHER RESOLVED that funds, not to exceed \$2500.00, shall be charged to Account #A1910.4090 for said course and training.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 15A Motion by Councilman Johnson Seconded by Supervisor Weber

WHEREAS, the New York State Department of Transportation (DOT) is reconstructing Harlem Road and Walden Avenue as part of the Harlem/Walden Project, and

WHEREAS, Phase I of such reconstruction work on Harlem Road begins at the Thruway Mall and ends at St. Joseph's Hospital, and

WHEREAS, the DOT, during such reconstruction, plans to connect their storm sewer system to the Town's Scajaquada Tributary T-1 drainage system near the McNaughton/Greenleaf intersection, and

WHEREAS, it is in the best interests of the Town that the DOT continue the Harlem Road reconstruction northerly and have their road drainage outlet directly into Scajaquada Creek near Harlem Road and George Urban Boulevard, and

Item No. 15A Cont'd.

WHEREAS, the Town has never given the DOT permission to connect to the Town's storm sewer system, and

WHEREAS, the DOT is spending \$4.38 million of the \$8 million appropriated for work presently being performed on the Harlem/Walden Improvement Project; and there is a \$3.62 million balance remaining for further work on this project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the DOT to utilize the \$3.62 million remaining in its Harlem/Walden Intersection Improvement Project account to continue its storm sewer system northerly to drain directly into Scajaquada Creek; and to perform other necessary road improvement work on Harlem Road from St. Joseph's Hospital northerly to George Urban Boulevard, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DOT.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 15B Motion by Supervisor Weber Seconded by Councilman Johnson

WHEREAS, the New York State Department of Transportation (DOT), with funding under the "Rebuild New York Bond Program". is in the process of widening and reconstructing the Harlem Road/Walden Avenue intersection, and

WHEREAS, such Harlem/Walden Intersection Improvement Project will rebuild Harlem Road from the Thruway Mall to St. Joseph's Intercommunity Hospital, and

WHEREAS, it appears to this Board that the Harlem Road bridge over Scajaquada Creek is deteriorated and in need of repair or replacement, and

WHEREAS, it appears to this Board that the bridge over Scajaquada Creek should be replaced by the DOT as part of the Harlem/Walden Intersection Improvement Project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the DOT to include in its Harlem/Walden Intersection Improvement Project replacement of the Harlem Road Bridge over Scajaquada Creek, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DOT, State Assemblyman Dennis T. Gorski, State Senator Dale M. Volker and Governor Mario M. Cuomo.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16A Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga will receive funds from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, for the 1987-88 Program Year, and

WHEREAS, an eligible activity under the Community Development Block Grant Program is the provision of energy conservation programs to assist low-income renters and homeowners, and

Item No. 16A Cont'd.

WHEREAS, Supportive Services Corporation of Western New York submitted a proposal to the Town for the provision of energy conservation and weatherization services for low-income Town residents, and

WHEREAS, funding for such services has been included in the Town's 1987-88 Community Development Block Grant application, NOW, THEREFORE, BE IT

RESOLVED that the Town Supervisor be and hereby is authorized to sign an Agreement with Supportive Services Corporation of Western new York for the provision of energy conservation and weatherization services for Town residents, and BE IT

FURTHER RESOLVED that the fee paid to Supportive Services be in the amount of \$6,000.00, said fee to be paid from Fiscal Year 1987-88 Community Development Block Grant funds.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16B Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated October 6, 1986, this Town Board authorized the Supervisor to execute an Agreement with Buffalo Forge Company and Sorrento, Inc., and

WHEREAS, as part of such agreement, the Town agreed to abandon or convey a portion of Duke Road to Buffalo Forge Company, and

WHEREAS, within such Duke Road right-of-way it appears that there are water and gas lines, and

WHEREAS, the Erie County Water Authority and National Fuel Gas Distribution Corporation have requested that the Town, prior to any abandonment of Duke Road, convey to them easements for their respective utility lines, and

WHEREAS, easements for such utilities have been prepared, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute any agreements necessary to protect the interests of the Erie County Water Authority and the National Fuel Gas Distribution Corporation in the Duke Road right-of-way to be abandoned.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16C Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, previously it had been required by the Erie County Board of Elections that the Town of Cheektowaga maintain and operate 111 polling places for the purpose of registering voters each year, and

WHEREAS, more than one-half of the qualified voters are registered in the Town of Cheektowaga as required by the laws of the State of New York as a prerequisite for consolidation, and

WHEREAS, the consolidation of 111 Election Districts will result in substantial savings of approximately \$30,000, and

WHEREAS, the consolidation will also eliminate and reduce many of the

Item No. 16C Cont'd.
functional details; namely,

1. The manpower requirements
2. Distribution of supplies to election inspectors
3. Mailing of notices to polling places and election inspectors
4. Rental of polling places
5. Use of Town recreational and facility buildings
6. Various processing details
7. Many other time-consuming and operational requirements for the purpose of registration.

and

WHEREAS, Federal legislation has provided for mail-in registration which has proved highly successful in that many citizens have made use of this procedure for registration, and

WHEREAS, the Town Clerk has petitioned the Erie County Board of Elections for permission to consolidate for registration purposes, and

WHEREAS, the Erie County Board of Elections has granted said permission to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is authorized to consolidate for Registration Days only the 111 Election Districts to one central location, namely, the Council Chambers, Cheektowaga Town Hall, Broadway Broadway and Union Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16D Motion by Councilman Jaworowicz Seconded by Councilman Santa Maria

WHEREAS, the Federal Aviation Administration, (F.A.A.), acting to provide explosive detection K-9 team support at the Greater Buffalo International Airport (GBIA), allowed the Cheektowaga Police Department the use of a K-9 dog known as "Butch", and

WHEREAS, the Town is no longer providing police protection services at the GBIA since the NFTA has its own security force, and

WHEREAS, the F.A.A. has stated that it would transfer ownership of such dog to the Town if the Town agrees to accept total responsibility for such dog, and

WHEREAS, the Chief of Police has recommended that the Town so assume ownership of and responsibility for Butch, NOW, THEREFORE, BE IT

RESOLVED THAT THIS Town Board hereby agrees to accept total responsibility for the health, care, welfare of and liability for Butch should the F.A.A. agree to transfer ownership of such dog to the Town, and BE IT FURTHER

RESOLVED that the Chief of Police be and hereby is authorized to notify the F.A.A. of the Town's request for ownership of Butch and its agreement to accept responsibility for such dog.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

MEETING NO. 19
September 8, 1987

Item No. 17 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, Jiggs Lewin Company Inc., developer of the Babbette Subdivision, submitted an escrow deposit currently being held by the Town of Cheektowaga as surety for the installation of the street lighting system for the portion of this subdivision located within the Town, AND

WHEREAS, five (5) fiberglass light standards, related conduit and conductors have been installed in accordance with Town specifications, NOW, THEREFORE, BE IT

RESOLVED that a portion of the escrow deposit in the amount of \$3,145.00 be released to the Jiggs Lewin Company, Inc. for street lighting improvements completed to date, AND, BE IT FURTHER

RESOLVED that the balance of the surety deposit amounting to \$3,000.00 be retained by the Town until such time as luminaires are installed, energized, and the street lighting system is accepted by the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Kowal Seconded by Councilman Johnson

WHEREAS, a public improvement permit has been issued to the owners of land abutting Ely Road for the construction of a 60 foot by 200 foot extension of such roadway, including the installation of a light standard and the extension of the 8 inch sanitary sewer line, and

WHEREAS, the aforementioned public improvements have been constructed and/or installed in a manner satisfactory to the Town Engineer, and

WHEREAS, the Superintendent of Highways has recommended that the aforesaid extended roadway be accepted as a town highway,

NOW, THEREFORE, BE IT RESOLVED, that the 60 foot by 200 foot extension of Ely Road, which is depicted on the attached survey, be and hereby is accepted as a town highway, subject to (a) the posting of a maintenance bond as required by section 54-6 of the Public Improvements Ordinance, and (b) the execution and recordation of a deed of conveyance from the owners of record to the Town, and BE IT FURTHER

RESOLVED that, out of the funds held in escrow by the town in lieu of a performance bond, the sum of \$800.00 be retained pending the installation, inspection and acceptance of a light standard, and BE IT FURTHER

RESOLVED that the balance of the aforesaid escrow funds, such balance totaling \$25,165.00, be released to the person or persons who had deposited same.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Kowal Seconded by Councilman Jaworowicz

WHEREAS, plans for Losson Meadows Subdivision have been submitted to the Town Highway Department and the Engineering Department, AND

WHEREAS, said Town departments have reviewed such plans and find that they conform to all Town requirements, NOW, THEREFORE, BE IT

RESOLVED that the plans for Losson Meadows Subdivision be and hereby

Item No. 19 Cont'd.

are approved for construction by this Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Johnson Seconded by Councilman Kowal

WHEREAS, this Town Board is anxious to proceed with a drainage project known as the Mafalda-Fontaine Drainage Project, and

WHEREAS, in order to undertake said project, it is necessary that the Town obtain temporary and permanent easements on property owned by Helen R. Kasprzak, Cheektowaga, New York, and

WHEREAS, the said property owner has requested consideration for Town requested easements through said property at , and

WHEREAS, Grant Appraisal & Research was hired by the Town to make an appraisal of damages to be sustained by the construction of a storm sewer through property at and which report by the appraiser dated July 27, 1987 determined that damages in the amount of \$1,750. would be sustained by Town construction of a storm sewer through said property, NOW, THEREFORE, BE IT

RESOLVED that the Town be and hereby is authorized to pay Helen R. Kasprzak the sum of \$1,750.00 in full consideration for the conveyance of temporary and permanent easements at said money to be appropriated out of the General Fund Budget, line item no. 01-8540.4009, AND, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to sign any and all documents which may be necessary to obtain said easements.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21A Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 830 Borden Road (Tree Pickle), Cheektowaga, New York, SBL # 114.20-9-12 and according to the Assessor's Office is owned by Borden Losson Corporation, 38 Quincy, Lancaster, New York 14086, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21B Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at Cheektowaga, New York, SBL # 101.36-3-3 and according to the Assessor's Office is owned by Empire of America Federal Savings Bank, One Main Place, Buffalo, New York 14202, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 21C Motion by Councilman Santa Maria Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located North of 2804 Union Road, Cheektowaga, New York, SBL # 113.12-3-12 and according to the Assessor's Office is owned by Richard J. Powers, , Lackawanna, New York 14218, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the 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, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Motion by Councilman Gabryszak Seconded by Councilman Rogowski to dispense with the reading of the figures on the following resolution and the vote was as follows:

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

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Item No. 22 Cont'd.

GENERAL FUND

From:	1910.4711 (Contingency)	\$ 27,720.00
	7110.4022 (Parks - Supplies)	500.00
	1220.4321 (Supervisor - Computer Exp.)	545.00
	7140.4025 (Recreation - Athletic Supplies)	2,000.00
	2850.000 (Transfer from Capital Fund)	50,000.00
	599.00 (Appropriated Fund Balance)	150,610.73
To:	1410.4111 (Town Clerk - Publish Notices)	5,000.00
	3120.2501 (Police - Other Equipment)	3,000.00
	3120.2204 (Police - Computer Upgrade)	9,400.00
	1410.4593 (Town Clerk - Contracted Steno)	1,000.00
	7110.4143 (Parks - Chemicals)	500.00
	8210.4568 (Storm Sewer - Cleaning)	1,727.00
	8210.4558 (Storm Sewer - Reconstruction)	20,000.00
	1220.2205 (Supervisor - Copier)	545.00
	7140.4191 (Recreation - Miscellaneous)	2,000.00
	9950.4033 (Transfer to Capital-Proj. 11-Library)	5,938.00
	9950.4034 (Transfer to Capital-Proj. 12-Hist. Bldg.)	37,225.49
	9950.4035 (Transfer to Capital-Proj. 16-Nob Hill Park Development)	17,283.40
	9950.4036 (Transfer to Capital-Proj. 57 - Oehman Blvd.)	10,381.84
	8210.4559 (Huth Road-Storm Sewer)	90,000.00
	8210.4560 (Walden Detention Basin Maint.)	3,700.00
	8210.4562 (Laura Court-Storm Cleaning)	3,800.00
	8210.4563 (Scajaquada Cr.-Pine Ridge Guardrail & Fence)	3,075.00
	8210.4564 (Claude Dr.-restoration rear yard)	1,490.00
	8210.4565 (Ellicott Cr.-Restoration grade & seed)	2,040.00
	8210.4566 (Zurbrich Rd.-Storm Sinkhole Repair)	1,270.00
	8210.4567 (Kilbourne & Geo. Urban - Storm Repair)	12,000.00

SPECIAL DISTRICT FUND

From:	858160.4469 (Sanitation-Landfill)	1,000.00
	599.000 (SD#3-Appropriated Fund Balance)	32,705.32
	599.000 (SD#5-Appropriated Fund Balance)	120,000.00
To:	858160.4021 (Sanitation-Maint. Supplies)	1,000.00
	308123.4821 (SD#3-Remedial)	22,680.85
	309550.4824 (Transfer to Capital-SD#3 Rehab.)	10,015.47
	508210.4789 (SD#5-Mafalda Storm Sewer)	120,000.00

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Item No. 23 Motion by Supervisor Weber Seconded by Councilman Rogowski

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to September 8, 1987 are hereby approved and made a part hereof.

Item No. 23 Cont'd.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 298,504.69
SPECIAL DISTRICT FUND	155,960.76
HIGHWAY FUND	69,374.70
FEDERAL REVENUE SHARING FUND	34,157.40
CAPITAL FUND	894,986.55
TRUST & AGENCY FUND	13,058.84
HUD-CDBG FUND	4,887.62
PART TOWN FUND	2,814.62
	<u>\$1,473,744.98</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

III. FROM THE TABLE

Item No. 24 Adoption of Local Law No. 1 of 1987 regarding Flood Damage Prevention

Prior to taking a vote on the resolution regarding Local Law No. 1 of the year 1987 regarding Flood Damage Prevention a motion was made by Councilman Johnson and seconded by Councilman Gabryszak to amend the Local Law in the following manner:

On Page 8 of the proposed Local Law for Flood Damage Prevention, Section 4.3-1(3) the word "adjacent" be changed to the word "other".

The voting on the amendment was as follows:

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has in effect a Flood Damage Ordinance, and

WHEREAS, changes in Federal legislation and regulations for the National Flood Insurance Program have been enacted which mandate that this Town amend its floodplain management regulations, and

WHEREAS, the Department of Environmental conservation has forwarded a recommended local law to the Town and the Town Engineering Department has reviewed and recommended the adoption of same by the Town, and

WHEREAS, after proper notice and publication, this Town Board held a public hearing on August 17, 1987 on Local Law No. 1 of the Year 1987, entitled "A Local Law for Flood Damage Prevention," and

WHEREAS, this Board feels that the existing Flood Damage Ordinance should be repealed and the aforesaid Local Law for Flood Damage Prevention should be adopted, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby repeals its Flood Damage

MEETING NO. 19
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Item No. 24 Cont'd.

Ordinance (a/k/a Chapter 30 of the Code of the Town of Cheektowaga , New York), and
BE IT FURTHER

RESOLVED that this Town Board hereby also adopts Local Law No. 1 of
the Year 1987, entitled "A Local Law for Flood Damage Prevention," and BE IT FURTHER

RESOLVED that such Local Law adoption and ordinance repeal shall take
effect upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED that the Town Clerk shall file copies of such Local Law with
the State, Federal and County agencies listed on the attached sheet.

*SEE NEXT 18 PAGES FOR COPY OF LOCAL LAW NO. 1 OF THE YEAR 1987 ENTITLED "A LOCAL
LAW FOR FLOOD DAMAGE PREVENTION.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Cheektowaga

Local Law No. 1 of the year 19 87

A local law for FLOOD DAMAGE PREVENTION

(Common title)

as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Cheektowaga, Erie County, N.Y. as follows:

See pages 2 through 15 for context of Local Law No. 1 of the Year 1987

(If additional space is needed, please attach sheets of the same size as this and number each)

FLOOD DAMAGE PREVENTION LOCAL LAW

SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of Cheektowaga finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Cheektowaga and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publically and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Town Engineer's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, Al-99, V, VO, VE, or VI-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for occupancy or storage.

"Cellar" - has the same meaning as "Basement".

"Coastal high hazard area" means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE, VO or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the Community published by the Federal Emergency Management Agency as part of a riverine Community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Lowest Floor" means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this local law.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"100-year Flood" has the same meaning as "Base Flood."

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.3-2 of this Law.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazards within the jurisdiction of the Town of Cheektowaga exclusive of the Villages of Sloan and Depew.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Cheektowaga, of Erie County, New York", dated March 15th, 1984, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and maps are on file at the Office of the Town Engineer.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS

This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Cheektowaga from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not complaint with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared noncomplaint and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on

scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Cheektowaga, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Town Engineer is hereby appointed Local Administrator to administer and implement this local law by granting or denying development permit applications in accordance with its provisions.

4.2 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Town Engineer and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-1 APPLICATION STAGE

The following information is required where applicable:

- (a) elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
- (b) elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) when required a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in Section 5.1-3(1);
- (d) certificate from a licensed professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.2; and
- (e) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2-2 CONSTRUCTION STAGE

Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Town Engineer a certificate of the elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and

certified by same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Town Engineer shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Town Engineer shall include, but not be limited to:

4.3-1 PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this local law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this local law, "adversely affects" means physical damage to other properties. An engineering study may be required of the applicant for this purpose.
 - (i) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this local law.
 - (ii) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 5.1-5, Encroachments.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Town Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4(4) in order to administer Section 5.2, SPECIFIC STANDARDS and Section 5.3 FLOODWAYS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures:
 - (i) Obtain and record the actual elevation in relation to mean sea level, to which the structure has been floodproofed; and,

- (ii) maintain the floodproofing certifications required in Sections 5.1 and 5.2.
- (3) Maintain for public inspection all records pertaining to the provisions of this local law including variances when granted and Certificates of Compliance.

4.3-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

The Town Engineer shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

Base flood elevation data established pursuant to Section 3.2 and/or Section 4.3-2, when available, shall be used to accurately delineate the area of special flood hazards.

The Town Engineer shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

4.3-6 STOP WORK ORDERS

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Town Engineer. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.
- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Town Engineer. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

4.3-7 INSPECTIONS

The Town Engineer and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the Development Permit or the approved variance.

4.3-8 CERTIFICATE OF COMPLIANCE

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Town Engineer stating that the building or land conforms to the requirements of this Local Law.

- (2) All other development occurring within the designated flood hazard area will have upon completion a Certificate of Compliance issued by the Town Engineer.

All certifications shall be based upon the inspections conducted subject to Section 4.3-7 and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or 2 feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required;
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 ENCROACHMENTS

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in section 4.3-1(3), Permit Review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to Section 4.3-2 or Section 5.1-4(4) and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to Section 4.3-2 the requirements of Section 5.3, Floodways, shall apply.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS and Section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any resident structure shall:

- (1) have the lowest floor, including basement or cellar, elevated to or above the base flood elevation;
- (2) have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and

(iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and

(iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

(2) If the structure is to be floodproofed:

(i) a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(ii) a licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

The Town Engineer shall maintain on record a copy of all such certificates noted in this section.

5.2-3 CONSTRUCTION STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARDS WITHOUT BASE FLOOD ELEVATIONS

New construction or substantial improvements of structures including manufactured homes shall have the lowest floor

including basement elevated to or above the base flood elevation as may be determined in Section 4.3-(2) or 2 feet above the highest adjacent grade where no elevation data is available.

- (1) New construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or openings provided they permit the automatic entry and exit of floodwaters.

5.3 FLOODWAYS

Located within areas of special flood hazard are areas designated as floodways (see definition, Section 2.0). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by Section 3.2 and Section 4.3-2, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Town Board of the Town of Cheektowaga shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Town Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town Engineer in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Town Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Town Board shall consider all technical evaluations, all relevant

factors, standards specified in other sections of this local law and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Town Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Town Engineer shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic

Places on the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.

- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (i) the criteria of subparagraphs 1, 4, 5, and 6 of this section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

~~Be it enacted this _____ day of _____, 1987 by the
Town Board _____ of the Town of Cheektowaga _____ of
_____ Erie County, New York, to be effective
_____.~~

~~SEAL~~

~~ATTEST. _____ TOWN CLERK~~

No. 20

No. 21

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1987

~~COUNTY~~
of the ~~CITY~~ Town of Cheektowaga was duly passed by the Town Board of the Town of Cheektowaga
~~VILLAGE~~ (Name of Legislative Body)

on SEPT 8 1987 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19.....~~

~~County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village~~

~~on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *~~

~~and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....

~~County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village~~

~~on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *~~

~~on 19..... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.~~

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....

~~County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village~~

~~..... 19..... and was approved by the on
not disapproved repassed after disapproval Elective Chief Executive Officer *~~

~~..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of having been submitted to referendum pursuant to the provisions of § 36 § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special general election held on 19 became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Richard M. Molerbi
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 8, 1987

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James J. Kirisits
Signature
Town Attorney
Title

Date: September 8, 1987

XXXXXX
XXX of Cheektowaga
Town
XXXXXX

No. 20

No. 21

No. 22

INSTRUCTIONS FOR FILING AND DISTRIBUTION

For filing with FEMA, County Planning, the New York State Department of Environmental Conservation, the New York Department of State and the State Comptroller, please follow the attached instructions and utilize the official filing form.

Send certified copies (number indicated) to each of the following:

FEDERAL AGENCY (1)

Federal Emergency Management Agency
Natural & Technical Hazards Division
26 Federal Plaza - Room 1321
New York, New York 10278

COUNTY PLANNING DEPARTMENT (1)SECRETARY OF STATE (4) including at least one original

State Records and Law Bureau
Department of State
162 Washington Avenue
Albany, New York 12231

STATE COMPTROLLER (1)

Office of the State Comptroller
Division of Municipal Affairs
Department of Audit and Control
State Office Building
Albany, New York 12236

DEC CENTRAL OFFICE (1)

New York State Department of Environmental Conservation
Flood Protection Bureau
50 Wolf Road - Room 330
Albany, NY 12233-3507
(518) 457-3157

Program Coordin.

Frank Dwyer
Ben Kemper
Alton Knapp
Robert Wood

DEC REGIONAL OFFICE (1)

New York State Department of Environmental Conservation
Region No. 9 Headquarters

~~Number and address varies depending upon County of Residence~~

~~See following list~~

584 Delaware Avenue
Buffalo, NY 14202
Att'n: Rebecca Anderson

No. 20

No. 21

Item No. 24 Cont'd.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Building Permits
Received and filed.

Item No. 26 Cheektowaga Planning Board: Minutes of July 1987 meeting.
Received and filed.

V. GENERAL COMMUNICATIONS

Item No. 27 New York State Department of Transportation: Designation of
Restricted Highway and Notice of Closure: INDIAN ROAD.
A copy of this notice was sent to Chester Bryan, Town Engineer.
Received and filed.

Item No. 28A Notice of Claim: Glenn Van Iderstine vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Chester Bryan, Town Engineer, and Joseph
Naples and Associates, Town's Insurance Carrier.
Received and filed.

Item No. 28B Notice of Claim: New York Telephone vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Ronald Zoeller, Foreman of Sanitation
Department and Joseph Naples and Associates, Town's Insurance
Carrier.
Received and filed.

Item No. 28C Notice of Claim: Joseph E. Kowalski vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Michael Miecznikowski, Recreation Director;
James Matecki, Facilities Director; and Laverack & Haines, Town's
Insurance Carrier.
Received and filed.

Item No. 28D Notice of Claim: Timothy Clark vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Alfred Wnek, Highway Superintendent and
Laverack and Haines, Town's Insurance Carrier.
Received and filed.

Item No. 28E Notice of Claim: Raymond M. Sisson vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Alfred Wnek, Highway Superintendent and
Laverack and Haines, Town's Insurance Carrier.
Received and filed.

No. 20

No. 21

MEETING NO. 19
September 8, 1987

- Item No. 28F Notice of Claim: Allen M. Boltz vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; James Matecki, Facilities Director; Dick Godlewski, Foreman in Facilities Department and Town's Insurance Carrier.
Received and filed.
- Item No. 28G Notice of Claim: Angela and Joseph Grys vs. Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert Lis, Chief of Police; and Laverack and Haines, Town's Insurance Carrier.
Received and filed.
- Item No. 29 Petition from residents regarding request Town to purchase or lease Alexander Street Property.
Copies were sent to Supervisor Daniel E. Weber and Karen McAuley, Council Secretary.
Received and filed.
- Item No. 30 Residents of Kilbourne Road: Letter regarding flooding conditions on Kilbourne Road.
Copies were sent to Daniel E. Weber, Supervisor; Alfred Wnek, Highway Superintendent; and Chester Bryan, Town Engineer.
Received and filed.
- Item No. 31A Notice of Petition vs. Board of Assessment Review: Fay's Drug Company, Inc. (2 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31B Notice of Petition vs. Board of Assessment Review: Red Star Express Lines of Auburn, Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31C Notice of Petition vs. Board of Assessment Review: Arthur Gellman
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31D Notice of Petition vs. Board of Assessment Review: Richard J. Rosche
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31E Notice of Petition vs. Board of Assessment Review: Jerome Weinstein & Phoebe Chason as trustees of Godfrey Weinstein Trust.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.

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- Item No. 31F Notice of Petition vs. Board of Assessment Review: I.C. Group Inc. (Joy Mfg. Co.)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31G Notice of Petition vs. Board of Assessment Review: American Precision Industries Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31H Notice of Petition vs. Board of Assessment Review: Williamstowne Associates
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31I Notice of Petition vs. Board of Assessment Review: Cynthia Eckis
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31J Notice of Petition vs. Board of Assessment Review: C & A Wallcoverings, Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31K Notice of Petition vs. Board of Assessment Review: Harold Broman
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31L Notice of Petition vs. Board of Assessment Review: Tri-cities Rental
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31M Notice of Petition vs. Board of Assessment Review: New York Telephone
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31N Notice of Petition vs. Board of Assessment Review: Western New York Plumbing
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31O Notice of Petition vs. Board of Assessment Review: Gibraltar Steel Corp.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.

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- Item No. 31P Notice of Petition vs. Board of Assessment Review: Howard Johnson Co., Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31Q Notice of Petition vs. Board of Assessment Review: Richard D. Fors, Jr. and Charles Mund (4 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31R Notice of Petition vs. Board of Assessment Review: Anthony Pantera
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31S Notice of Petition vs. Board of Assessment Review: Buffalo Airport Bowling Center
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31T Notice of Petition vs. Board of Assessment Review: Maryvale Associates
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31U Notice of Petition vs. Board of Assessment Review: Antoinette Dimino
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31V Notice of Petition vs. Board of Assessment Review: Garden Village Investors
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31W Notice of Petition vs. Board of Assessment Review: Stop n' Go
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31X Notice of Petition vs. Board of Assessment Review: Warren Shapera
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31Y Notice of Petition vs. Board of Assessment Review: Peter Santin Construction Co., Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.

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- Item No. 31Z Notice of Petition vs. Board of Assessment Review: Altons Restaurant
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31AA Notice of Petition vs. Board of Assessment Review: Ralph Fudoli (2 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31BB Notice of Petition vs. Board of Assessment Review: RMF Holding Corp. (3 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31CC Notice of Petition vs. Board of Assessment Review: Arthur Musarra (3 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31DD Notice of Petition vs. Board of Assessment Review: Firestone Tire & Rubber Co.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31EE Notice of Petition vs. Board of Assessment Review: Cook Moving Systems, Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31FF Notice of Petition vs. Board of Assessment Review: The Southland Corp. (6 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31GG Notice of Petition vs. Board of Assessment Review: National Fuel (2 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31HH Notice of Petition vs. Board of Assessment Review: Bernard DiPizio (2 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31II Notice of Petition vs. Board of Assessment Review: Rite Aid of New York, Inc. (3 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.

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- Item No. 31JJ Notice of Petition vs. Board of Assessment Review: William Hart as General Partner of WPH Gateway Associates (2 properties)
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31KK Notice of Petition vs. Board of Assessment Review: Hills Department Stores Co. and Boulevard Associates
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31LL Notice of Petition vs. Board of Assessment Review: Buffalo Perlite, Division of Pine Hill Concrete Mix Corp.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31MM Notice of Petition vs. Board of Assessment Review: Manufacturere Hanover, N.A.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31NN Notice of Petition vs. Board of Assessment Review: N. L. Industries, Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 3100 Notice of Petition vs. Board of Assessment Review: Niagara Frontier Services, Inc.,
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31PP Notice of Petition vs. Board of Assessment Review: Tops, Inc. for Benenson Capital Corp.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31QQ Notice of Petition vs. Board of Assessment Review: Steven J. Sour and Barbara S. Moore
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31RR Notice of Petition vs. Board of Assessment Review: Mr. and Mrs. Gino Carosa
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.
- Item No. 31SS Notice of Petition vs. Board of Assessment Review: Denny's Inc.
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.

Item No. 31TT Notice of Petition vs. Board of Assessment Review: Supermarket Development, Inc., a/k/a/ Thruway Super Duper
Copies of this petition were sent to: Daniel E. Weber, Supervisor, Karen McAuley, Council Secretary; James Kirisits, Town Attorney and Casimir Kozminski, Assessor.
Received and filed.

* * * * *

Motion by Councilman Johnson Seconded by Supervisor Weber to suspend the rules to include the following item, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

* * * * *

VI. SUSPENSION OF RULES

Item No. 32 Authorization for Engineering Department to engage services of Tom Greenauer Developer to make storm sewer repairs of Kilbourne Road storm sewer.

Motion by Councilman Johnson Seconded by Councilman Kowal

WHEREAS, residents of Kilbourne Road have complained of a localized flooding problem, which problem upon investigation was determined as caused by the collapse of a storm sewer in the vicinity of George Urban Boulevard, and

WHEREAS, Tom Greenauer Development, Inc. was awarded a contract through the bidding process to perform incidental repair and restoration work as required, NOW, THEREFORE, BE IT

RESOLVED that this Town Board authorize the Engineering Department to engage the services of Tom Greenauer Development, Inc. to perform the necessary storm sewer repair of the Kilbourne Road storm sewer utilizing funds budgeted for said purpose.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Weber Seconded by Councilman Jaworowicz to adjourn in memory of Henry Janicki, Former Town Assessor; Mr. James Garbacz, Commissioner of Doyle Fire District No. 1 and Mr. Vincent Cervi, long-time Town resident.

September 8, 1987

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a Special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th day of September, 1987 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Christopher Kowal

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Kevin Schenk, Deputy Town Attorney; Donald Wegner, Deputy Supervisor and Chairman of Zoning Board of Appeals; Ronald Marten, Building Inspector; Ray Pugh, Representative of Planning Board; Ted Skowron, Representative of Highway Department; Tom Adamczak, Building Inspector; Sam LaGreca, Chairman of Planning Board; and Andrew Kulyk, Representative of Zoning Board of Appeals.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Weber Seconded by Councilman Jaworowicz

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the Town Board of the Town of Cheektowaga was designated to serve as lead agency for the environmental review of the Walden Galleria under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, a Draft Environmental Impact Statement ("DEIS") was submitted on June 8, 1987, reviewed by and determined complete by the Town Board in its capacity as lead agency on June 22, 1987 and was filed and circulated along with a Notice of Completion of DEIS to other involved agencies and the public as required by the SEQRA regulations (6NYCRR Part 617), and

WHEREAS, the Town Board duly noticed a public hearing to solicit comments on the DEIS from all interested persons, which was held on July 15, 1987 at which time all members of the public wishing to make statements concerning the DEIS were heard, and

WHEREAS, on July 20, 1987 the Town Board after reviewing some of the public comments filed on the DEIS adopted a Resolution directing the Applicant to submit a Supplemental Environmental Impact Statement, and

WHEREAS, the additional information requested to be included in the SEIS is normally provided after the close of the public comment period and is normally considered part of the Final Environmental Impact Statement, and

WHEREAS, the public comment period on the DEIS closed on July 27, 1987 in accordance with the Town Board's previously filed and published Notice of Completion of DEIS, and

No. 20

No. 21

Item No. 2 Cont'd.

WHEREAS, the Applicant has submitted a proposed Final Environmental Impact Statement ("FEIS") which consists not only DEIS, revisions to the DEIS, an Appendix and summary of public comments on the DEIS, and two Addenda to the FEIS, but also comments from involved agencies and responses to the substantive comments received, together with the additional information requested to be included in the SEIS as well as data prepared in response to the public comments received, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed the FEIS submitted by the Applicant and has concluded that the FEIS and Appendix coupled with the submitted Addenda to the FEIS contain an adequate, fair and balanced discussion of all the significant environmental, social and economic impacts associated with the Walden Galleria project as required by Article 8 of the Environmental Conservation Law and should be determined complete by the Town Board, as lead agency, and filed in accordance with the SEQRA regulations, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has recommended that an independent expert not be retained to review the FEIS for completeness, and

WHEREAS, the members of the Town Board have had an opportunity to review the public comments received on the DEIS which are summarized and responded to in the FEIS and has reviewed the FEIS for completeness, and

WHEREAS, the FEIS now contains the additional information requested to be included in the SEIS and thus the Town Board resolution of July 20, 1987, is deemed satisfied, and

WHEREAS, a finding by the lead agency that the FEIS may be complete does not commit the lead agency in its subsequent decision-making capacity or any of the involved agencies with approval authority to either, unconditionally accept, reject or otherwise approve or disapprove any discretionary action sought by the Applicant, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, as lead agency pursuant to Environmental Conservation Law Sections 8-0109.3 and 8-0109.6 has determined that the FEIS regarding the Walden Galleria is complete, and hereby directs that the FEIS be filed and circulated to other involved agencies as required by the SEQRA regulations, and BE IT FURTHER

RESOLVED that the FEIS be made available to the public for consideration and comment for a period of 10 days from the date hereof and in order to facilitate public review the Applicant shall file copies of the FEIS, Appendix and Addenda at the following locations: Town of Cheektowaga Clerk's Office, Town Building Inspector's Office, Reinstein Memorial Library, Cheektowaga South Branch Library, Cheektowaga North Branch Library and Kelly Park Store Front Library, and BE IT FURTHER

RESOLVED that the Town Board acting in its decision-making capacity and as an involved agency with authority to unconditionally accept, reject or otherwise approve or disapprove any discretionary action sought by the Applicant, hereby directs the Town Environmental Advisory Review Committee to review the approvals sought by the Applicant from the Town Board in the context of the FEIS and make a recommendation to the Town Board after consultation with other appropriate bodies and departments of the Town and to retain such independent expert consultants as it deems appropriate to advise it in this regard, and BE IT FURTHER

RESOLVED that in determining whether or not to issue or deny the approvals sought by the Applicant, the Town Board will carefully review and independently consider among other things, the FEIS, any public comments filed on the FEIS, the recommendations of the Town Environmental Quality Review Advisory Committee (including the recommendations of any such independent expert consultants as may be retained by the Environmental Quality Review Advisory Committee) and the comments of other bodies and departments of the Town as well as other involved agencies, together with any additional submissions by the Applicant, and BE IT FURTHER

Item No. 2 Cont'd.

RESOLVED that the Town SEQRA Intake Officer cause the attached Notice of Completion of FEIS together with the FEIS, Appendix and Addenda to be circulated and filed as required by the SEQRA regulations.

* * * * *

AMENDMENT NO. 1

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN KOWAL, SECONDED BY COUNCILMAN ROGOWSKI, said amendment being:

"Substitute 30 days for 10 days in second RESOLVED paragraph"

NO VOTE TAKEN ON AMENDMENT NO. 1

* * * * *

AMENDMENT NO. 2

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN ROGOWSKI, said amendment being:

"The Town maintains the right to hire outside consultants to review any section or sections of the FEIS and request the Army Corps of Engineers to review the flood and drainage proposal for not only the project area, but also upstream of the project and that a findings statement or any permits not be issued until such time that these reports are received and reviewed by the Town Board.

COUNCILMAN JOHNSON MOVED TO AMEND THE AMENDMENT.
There was no second on the motion.

NO VOTE TAKEN ON AMENDMENT NO. 2

* * * * *

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ORIGINAL RESOLUTION AND AMENDMENTS UNTIL SEPTEMBER 21, 1987.

Item No. 3 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of buffalo (The "Applicant") has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, a Draft Environmental Impact Statement (DEIS) was accepted by this Town Board on June 22, 1987 and a public hearing thereon was held on July 15, 1987, and

WHEREAS, a proposed Final Environmental Impact Statement (FEIS) was submitted to this Town Board on August 31, 1987 by the Applicant, and

WHEREAS, pursuant to Section 617.8 of the regulations enacted under the State Environmental Quality Review Act (SEQRA), the town Board, as lead agency, is required to prepare or accept a FEIS within 45 days after the holding of a public hearing on a DEIS, and

WHEREAS, the Town has not had sufficient time to review the proposed FEIS as submitted by the Applicant, and

WHEREAS, a comprehensive and thorough analysis of the said proposed

Item No. 3 Cont'd.

FEIS should include a review of the comments made thereon by interested federal, state and/or local departments or agencies, as well as the comments of those private persons and organizations which appeared and spoke at the aforesaid public hearing, and

WHEREAS, Section 617.8 of the SEQRA regulations permit the town Board, as lead agency, to extend the date for the preparation/acceptance of a FEIS for good cause, and

WHEREAS, since this Town Board and the Town Environmental Advisory Committee need additional time to review the proposed FEIS submitted by the Applicant, as aforesaid, good cause exists to extend the last date for the preparation/acceptance of the FEIS for the Walden Galleria, NOW, THEREFORE, BE IT

RESOLVED that this Town Board, pursuant to authority granted it under the SEQRA regulations, hereby extends the time for the preparation/acceptance of the FEIS on the Walden Galleria until October 19, 1987, and BE IT FURTHER

RESOLVED that this Town Board, as lead agency for the proposed Walden Galleria, may further extend the time period for the preparation/acceptance of the FEIS at the October 19, 1987 or other meeting of the town Board, for good cause.

MOTION BY COUNCILMAN KOWAL, SECONDED BY COUNCILMAN ROGOWSKI TO TABLE THE ABOVE RESOLUTION UNTIL SEPTEMBER 21, 1987.

Item No. 4 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the construction of such mall is subject to compliance with the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, as part of the SEQRA process, the Pyramid Company of Buffalo has submitted a proposed Final Environmental Impact Statement ("FEIS") on the Walden Galleria, and

WHEREAS, this Town Board desires to hire a professional consultant or consultants to review the proposed FEIS and to provide additional professional expertise concerning such document, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice requesting consultants to submit proposals to this Town Board to review the proposed FEIS and the Walden Galleria project; notice to be published in the CHEEKTOWAGA TIMES and the BUFFALO NEWS.

* * * * *

INVITATION FOR PROPOSALS

FROM CONSULTANTS TO REVIEW

PROPOSED FEIS FOR WALDEN GALLERIA

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, as lead agency for the proposed construction of the Walden Galleria (a retail shopping mall) in the Town of Cheektowaga, hereby invites proposals from consultants to review the proposed Final Environmental Impact Statement ("FEIS") submitted for the Walden Galleria.

Proposals from such consultants should include:

1. statement of qualifications, experience;
2. areas of expertise;
3. references;
4. fee schedules;
5. time table for beginning and completing review;

Item No. 4 Cont'd.

6. size of staff;
7. statement as to no conflict of interest, including a statement as to whether consultant ever performed work for either Pyramid Companies or the Task Force Opposed to Another Mall.

Proposals should be forwarded to:

RICHARD M. MOLESKI, Town Clerk
Town of Cheektowaga
Town Hall
Broadway and Union Road
Cheektowaga, New York 14227

on or before , 1987

RICHARD M. MOLESKI

Dated: Cheektowaga, New York

MOTION BY COUNCILMAN KOWAL, SECONDED BY COUNCILMAN ROGOWSKI TO TABLE THE ABOVE RESOLUTION UNTIL SEPTEMBER 21, 1987.

Item No. 5 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the construction of such a mall is subject to compliance with the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, as part of the SEQRA process, the Pyramid Company of Buffalo has submitted a proposed Final Environmental Impact Statement ("FEIS") on the Walden Galleria, and

WHEREAS, the Commanding Officer of the Buffalo District, U.S. Army Corps of Engineers has commented on the stormwater management and flood control study of said developer of the mall, as it could affect the Corps' flood control project on Scajaquada Creek, and

WHEREAS, the said Corps of Engineers has the experience, data and expertise to expand its comments by the inclusion of the possible impact of the mall on the floodplain zone of Scajaquada Creek and its tributaries, with a hydrological analysis for the Scajaquada Creek drainage basin, and

WHEREAS, any information provided by the Corps of Engineers would assist this Town Board in making an informed decision on this matter, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the Corps of Engineers to expand its comments by the inclusion of the possible impact of the mall on the floodplain zone of Scajaquada Creek and its tributaries, with a hydrological analysis of the developer's data for the Scajaquada Creek drainage basin, as well as any other comments it deems advisable for this Town Board to consider relative to this project, and BE IT FURTHER

RESOLVED that the Town Clerk forward a copy of this resolution to Daniel R. Clark, Colonel, U.S. Army, at 1776 Niagara Street, Buffalo, New York 14207-3199.

MOTION BY COUNCILMAN KOWAL, SECONDED BY COUNCILMAN ROGOWSKI TO TABLE THE ABOVE RESOLUTION UNTIL SEPTEMBER 21, 1987.

MEETING NO. 20
September 17, 1987

Item No. 6 Motion by Supervisor Weber Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

DATED: September 17, 1987

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 21st day of September, 1987 at 7:00 o clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Thomas M. Johnson, Jr.
Councilman William P. Rogowski
Councilman Patricia A. Jaworowicz
Councilman Christopher J. Kowal
Councilman Dennis H. Gabryszak
Councilman Rudy A. Santa Maria

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Kevin Schenk, Deputy Town Attorney; Michael Stachowski, Deputy Town Attorney; Chester Bryan, Town Engineer; Andrew Kulyk, Member of Zoning Board of Appeals; Ron Marten, Building and Plumbing Inspector; Judge Henry Gabryszak; Sal LaGreca, Employment and Training Director II; Don Wegner, Chairman of Zoning Board of Appeals; Robert Lis, Chief of Police; Alfred Wnek, Highway Superintendent.

Motion by Supervisor Weber, Seconded by Councilman Santa Maria to act on the items FROM THE TABLE first, before Item No. 2.

Upon Roll Call....

AYES: Supervisor Weber; Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

II. FROM THE TABLE

Item No. 21 Motion by Supervisor Weber, Seconded by Councilman Jaworowicz

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the Town Board of the Town of Cheektowaga was designated to serve as lead agency for the environmental review of the Walden Galleria under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, a Draft Environmental Impact Statement ("DEIS") was submitted on June 8, 1987, reviewed by and determined complete by the Town Board in its capacity as lead agency on June 22, 1987 and was filed and circulated along with a Notice of Completion of DEIS to other involved agencies and the public as required by the SEQRA regulations (6NYCRR Part 617), and

Item No. 21 cont'd

WHEREAS, the Town Board duly noticed a public hearing to solicit comments on the DEIS from all interested persons, which was held on July 15, 1987 at which time all members of the public wishing to make statements concerning the DEIS were heard, and

WHEREAS, on July 20, 1987 the Town Board after reviewing some of the public comments filed on the DEIS adopted a Resolution directing the Applicant to submit a Supplemental Environmental Impact Statement, and

WHEREAS, the additional information requested to be included in the SEIS is normally provided after the close of the public comment period and is normally considered part of the Final Environmental Impact Statement, and

WHEREAS, the public comment period on the DEIS closed on July 27, 1987 in accordance with the Town Board's previously filed and published Notice of Completion of DEIS, and

WHEREAS, the Applicant has submitted a proposed Final Environmental Impact Statement ("FEIS") which consists not only DEIS, revisions to the DEIS, an Appendix and summary of public comments on the DEIS, and two Addenda to the FEIS, but also comments from involved agencies and responses to the substantive comments received, together with the additional information requested to be included in the SEIS as well as data prepared in response to the public comments received, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed the FEIS submitted by the Applicant and has concluded that the FEIS and Appendix coupled with the submitted Addenda to the FEIS contain an adequate, fair and balanced discussion of all the significant environmental, social and economic impacts associated with the Walden Galleria project as required by Article 8 of the Environmental Conservation Law and should be determined complete by the Town Board, as lead agency, and filed in accordance with the SEQRA regulations, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has recommended that an independent expert not be retained to review the FEIS for completeness, and

WHEREAS, the members of the Town Board have had an opportunity to review the public comments received on the DEIS which are summarized and responded to in the FEIS and has reviewed the FEIS for completeness, and

WHEREAS, the FEIS now contains the additional information requested to be included in the SEIS and thus the Town Board resolution of July 20, 1987, is deemed satisfied, and

WHEREAS, a finding by the lead agency that the FEIS may be complete does not commit the lead agency in its subsequent decision-making capacity or any of the involved agencies with approval authority to either, unconditionally accept, reject or otherwise approve or disapprove any discretionary action sought by the Applicant, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, as lead agency pursuant to Environmental Conservation Law Sections 8-0109.3 and 8-0109.6 has determined that the FEIS regarding the Walden Galleria is complete, and hereby directs that the FEIS be filed and circulated to other involved agencies as required by the SEQRA regulations, and BE IT FURTHER

RESOLVED that the FEIS be made available to the public for consideration and comment for a period of 10 days from the date hereof and in order to facilitate public review the Applicant shall file copies of the FEIS, Appendix and Addenda at the following locations: Town of Cheektowaga Clerk's Office, Town Building Inspector's Office, Reinstein Memorial Library, Cheektowaga South Branch Library, Cheektowaga North Branch Library and Kelly Park Store Front Library, and BE IT FURTHER

Item No. 21 cont'd

RESOLVED that the Town Board acting in its decision-making capacity and as an involved agency with authority to unconditionally accept, reject or otherwise approve or disapprove any discretionary action sought by the Applicant, hereby directs the Town Environmental Advisory Review Committee to review the approvals sought by the Applicant from the Town Board in the context of the FEIS and make a recommendation to the Town Board after consultation with other appropriate bodies and departments of the Town and to retain such independent expert consultants as it deems appropriate to advise it in this regard, and BE IT FURTHER

RESOLVED that in determining whether or not to issue or deny the approvals sought by the Applicant, the Town Board will carefully review and independently consider among other things, the FEIS, any public comments filed on the FEIS, the recommendations of the Town Environmental Quality Review Advisory Committee (including the recommendations of any such independent expert consultants as may be retained by the Environmental Quality Review Advisory Committee) and the comments of other bodies and departments of the Town as well as other involved agencies, together with any additional submissions by the Applicant, and BE IT FURTHER

RESOLVED that the Town SEQRA Intake Officer cause the attached Notice of Completion of FEIS together with the FEIS, Appendix and Addenda to be circulated and filed as required by the SEQRA regulations.

* * * * *

AMENDMENT NO. 1

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN KOWAL, SECONDED BY COUNCILMAN ROGOWSKI, said amendment being:

"Substitute 30 days for 10 days in second RESOLVED paragraph"

and the voting was as follows:

Upon roll call....

Supervisor Weber	Voting	AYE
Councilman Johnson	Voting	AYE
Councilman W.P. Rogowski	Voting	AYE
Councilman Jaworowicz	Voting	AYE
Councilman Kowal	Voting	AYE
Councilman Gabryszak	Voting	AYE
Councilman Santa Maria	Voting	AYE

AYES: 7
NAYES: 0
ABSENT: 0

* * * * *

AMENDMENT NO. 2

THE ABOVE RESOLUTION WAS CALLED FOR AN AMENDMENT BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN ROGOWSKI, said amendment being:

"The Town maintains the right to hire outside consultants to review any section or sections of the FEIS and request the Army Corps of Engineers to review the flood and drainage proposal for not only the project area, but also upstream of the project and that a findings statement or any permits not be issued until such time that these reports are received and reviewed by the Town Board.

Item No. 21 cont'd

Upon roll call....

Supervisor Weber	Voting	AYE
Councilman Johnson	Voting	AYE
Councilman W.P. Rogowski	Voting	AYE
Councilman Jaworowicz	Voting	NAYE
Councilman Kowal	Voting	AYE
Councilman Gabryszak	Voting	AYE
Councilman Santa Maria	Voting	AYE

AYES: 6
NAYES: 1
ABSENT: 0

**Both amendments were adopted. See next two (2) pages for resolution

* * * * *

AMENDED RESOLUTION

Motion by Supervisor Weber, seconded by Councilman Jaworowicz

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the Town Board of the Town of Cheektowaga was designated to serve as lead agency for the environmental review of the Walden Galleria under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, a Draft Environmental Impact Statement ("DEIS") was submitted on June 8, 1987, reviewed by and determined complete by the Town Board in its capacity as lead agency on June 22, 1987 and was filed and circulated along with a Notice of Completion of DEIS to other involved agencies and the public as required by the SEQRA regulations (6NYCRR Part 617), and

WHEREAS, the Town Board duly noticed a public hearing to solicit comments on the DEIS from all interested persons, which was held on July 15, 1987 at which time all members of the public wishing to make statements concerning the DEIS were heard, and

WHEREAS, on July 20, 1987 the Town Board after reviewing some of the public comments filed on the DEIS adopted a Resolution directing the Applicant to submit a Supplemental Environmental Impact Statement, and

WHEREAS, the additional information requested to be included in the SEIS is normally provided after the close of the public comment period and is normally considered part of the Final Environmental Impact Statement, and

WHEREAS, the public comment period on the DEIS closed on July 27, 1987 in accordance with the Town Board's previously filed and published Notice of Completion of DEIS, and

WHEREAS, the Applicant has submitted a proposed Final Environmental Impact Statement ("FEIS") which consists not only DEIS, revisions to the DEIS, an Appendix and summary of public comments on the DEIS, and two Addenda to the FEIS, but also comments from involved agencies and responses to the substantive comments received, together with the additional information requested to be included in the SEIS as well as data prepared in response to the public comments received, and

Item No. 21 cont'd

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed the FEIS submitted by the Applicant and has concluded that the FEIS and Appendix coupled with the submitted Addenda to the FEIS contain an adequate, fair and balanced discussion of all the significant environmental, social and economic impacts associated with the Walden Galleria project as required by Article 8 of the Environmental Conservation Law and should be determined complete by the Town Board, as lead agency, and filed in accordance with the SEQRA regulations, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has recommended that an independent expert not be retained to review the FEIS for completeness, and

WHEREAS, the members of the Town Board have had an opportunity to review the public comments received on the DEIS which are summarized and responded to in the FEIS and has reviewed the FEIS for completeness, and

WHEREAS, the FEIS now contains the additional information requested to be included in the SEIS and thus the Town Board resolution of July 20, 1987, is deemed satisfied, and

WHEREAS, a finding by the lead agency that the FEIS may be complete does not commit the lead agency in its subsequent decision-making capacity or any of the involved agencies with approval authority to either, unconditionally accept, reject or otherwise approve or disapprove any discretionary action sought by the Applicant, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, as lead agency pursuant to Environmental Conservation Law Sections 8-0109.3 and 8-0109.6 has determined that the FEIS regarding the Walden Galleria is complete, and hereby directs that the FEIS be filed and circulated to other involved agencies as required by the SEQRA regulations, and BE IT FURTHER

RESOLVED that the FEIS be made available to the public for consideration and comment for a period of 30 days from the date hereof and in order to facilitate public review the Applicant shall file copies of the FEIS, Appendix and Addenda at the following locations: Town of Cheektowaga Clerk's Office, Town Building Inspector's Office, Reinstein Memorial Library, Cheektowaga South Branch Library, Cheektowaga North Branch Library and Kelly Park Store Front Library, and BE IT FURTHER

RESOLVED that the Town Board acting in its decision-making capacity and as an involved agency with authority to unconditionally accept, reject or otherwise approve or disapprove any discretionary action sought by the Applicant, hereby directs the Town Environmental Advisory Review Committee to review the approvals sought by the Applicant from the Town Board in the context of the FEIS and make a recommendation to the Town Board after consultation with other appropriate bodies and departments of the Town and to retain such independent expert consultants as it deems appropriate to advise it in this regard, and BE IT FURTHER

RESOLVED that in determining whether or not to issue or deny the approvals sought by the Applicant, the Town Board will carefully review and independently consider among other things, the FEIS, any public comments filed on the FEIS, the recommendations of the Town Environmental Quality Review Advisory Committee (including the recommendations of any such independent expert consultants as may be retained by the Environmental Quality Review Advisory Committee) and the comments of other bodies and departments of the Town as well as other involved agencies, together with any additional submissions by the Applicant, and BE IT FURTHER

RESOLVED that the Town SEQRA Intake Officer cause the attached Notice of Completion of FEIS together with the FEIS, Appendix and Addenda to be circulated and filed as required by the SEQRA regulations, and BE IT FURTHER

Item No. 21 cont'd

RESOLVED that the Town maintains the right to hire outside consultants to review any section or sections of the FEIS and request the Army Corps of Engineers to review the flood and drainage proposal for not only the project area, but also upstream of the project and that a findings statement or any permits not be issued until such time that these reports are received and reviewed by the Town Board.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen W.P. Rogowski, Jaworowicz, Kowal,
Gabryszak and Santa Maria
NAYES: Councilman Johnson
ABSENT: 0

* See next three (3) pages for Notice of Completion of Final Environmental Impact Statement

AFFIDAVIT - NEXT PAGE

TOWN BOARD
TOWN OF CHEEKTOWAGA
Notice of Completion of
Final Environmental Impact Statement

Lead Agency: Town Board
Town of Cheektowaga

Address: Town Hall
Broadway & Union Road
Cheektowaga, New York 14227

Date: September 22, 1987

This notice is issued pursuant to Part 617 of the implementing regulations (6 NYCRR) pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and Section 23A-16 of the Town of Cheektowaga Code.

A Final Environmental Impact Statement has been completed and accepted by the Town Board of the Town of Cheektowaga, as lead agency, for the proposed action described below.

Title of Action:

Walden Galleria Regional Shopping Center

Description of Action:

The Pyramid Company of Buffalo is proposing to develop a 963,000 square foot gross leasable area enclosed regional shopping center on a 75 acre site north of Walden Avenue in the Town of Cheektowaga. The project entails construction of stormwater detention basins on either Town owned lands west of the New York State Thruway or alternative sites if permission to use Town owned lands is denied and various traffic improvements including the construction of a new Town road (Galleria Drive) connecting Walden Avenue with Union Road. Future development possibilities include the expansion of the Walden Galleria by an additional 440,000 square feet gross leasable area with either relocation or construction over a portion of the Scajaquada Creek.

Location:

The site is generally bounded on the south by Walden Avenue, on the west by the New York State Thruway, on the

north by the abandoned Conrail right-of-way and on the east by Union Road and the Cheektowaga Consolidated Central High School. The site is located in the Town of Cheektowaga, Erie County, New York.

Potential Environmental Impacts Studied:

Impacts studied include: land use relationships, retail impacts, an increase in traffic in the vicinity of the site; effects of the project on stormwater runoff and flood storage capacity; loss of vegetation and wildlife due to development of the site; construction and operational noise impacts; archeological sensitivity of the site; visual impacts; air quality impacts; impacts on school children; impacts on community services; fiscal impacts.

Document Availability:

Copies of the FEIS, Appendix and Addenda are available and may be reviewed at the Town Clerk's Office between 9:00 A.M. and 6:00 P.M. weekdays; and the Town Building Inspectors Office between 9:00 A.M. and 4:30 P.M. weekdays.

The FEIS, Appendix and Addenda are also on file and may be reviewed at the following locations:

Reinstein Library	2580 Harlem Road
Cheektowaga South Branch Library	2660 William St.
Cheektowaga North Branch Library	735 Maryvale Drive
Kelly Park Store Front Library	27 Kelly Drive

Copies of the DEIS and Appendices which have been incorporated by reference into the FEIS are also available for review at the above locations.

For Further Information:

Contact Person: Thomas Adamczak,
Assistant Building Inspector
Town Hall
Broadway & Union Road
Cheektowaga, New York 14227

Phone Number (716) 686-3470

Public Comment:

The public may comment on the FEIS by communicating in writing to Thomas Adamczak at the above address for a period of thirty (30) days. Comments will be considered if received by 5:00 P.M. on October 21, 1987.

Copies of this Notice sent to:

Commissioner - Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-001

New York State Department of Environmental Conservation
Region 9 Headquarters
600 Delaware Avenue
Buffalo, New York 14202

Supervisor Daniel E. Weber
Town of Cheektowaga

Involved and Interested Agencies:

New York State Department of Transportation
Erie County Department of Environment and Planning
Erie County Water Authority
Forks Fire District No. 3
New York State Thruway Authority
U.S. Army Corps of Engineers
U-Crest Fire District No. 4
Walden Fire District No. 2
Niagara Frontier Transportation Authority
Cheektowaga Central School District
Cheektowaga Planning Board
Cheektowaga Town Board
Cheektowaga Highway Department
Cheektowaga Engineering Department
Cheektowaga Environmental Advisory Review Committee
Cheektowaga Police Department
Cheektowaga Traffic Safety Commission
Cheektowaga Building & Plumbing Inspector's Department

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justin Dembitz....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... SEP 24 1987 ;
last publication..... SEP 24 1987 ;
and that no more than six days intervened be-
tween publications.

Justin Dembitz.....

Sworn to before me this *25th*.....
September
day of, 19*87*.

Eve J. Allis.....

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 19 89

**LEGAL NOTICE
TOWN BOARD
TOWN OF CHEEKTOWAGA
NOTICE OF COMPLETION OF
FINAL ENVIRONMENTAL
IMPACT STATEMENT**

Lead Agency:
Town Board
Town of Cheektowaga
Address: Town Hall
Broadway and Union Road
Cheektowaga, New York 14227

This notice is issued pursuant to Part 617 of the implementing regulations (6 NYCRR) pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and Section 23A-16 of the Town of Cheektowaga Code.

A Final Environmental Impact Statement has been completed and accepted by the Town Board of the Town of Cheektowaga, as lead agency, for the proposed action described below.

Title of Action:
Walden Galleria Regional Shopping Center

Description of Action:

The Pyramid Company of Buffalo is proposing to develop a 963,000 square foot gross leasable area enclosed regional shopping center on a 75 acre site north of Walden Avenue in the Town of Cheektowaga. The project entails construction of stormwater detention basins on either Town owned lands west of the New York State Thruway or alternative nearby sites if permission to use Town owned lands is denied and various traffic improvements including the construction of a new Town Road (Galleria Drive) connecting Walden Avenue with Union Road. Future development possibilities include the expansion of the Walden Galleria by an additional 440,000 square feet gross leasable area with either relocation or construction over a portion of the Scasquada Creek.

Location:

The site is generally bounded on the south by Walden Avenue, on the west by the New York State Thruway, on the north by the abandoned Conrail right-of-way and on the east by Union Road and the Cheektowaga Consolidated Central High School. The site is located in the Town of Cheektowaga, Erie County, New York.

Potential Environmental Impacts Studied:

Impacts studied include: land use relationships, retail impacts, an increase in traffic in the vicinity of the site, effects of the project on stormwater runoff and flood storage capacity; loss of vegetation and wildlife due to development of the site; construction and operational noise impacts; archeological sensitivity of the site; visual impacts; air quality impacts; impacts on school children; impacts on community services; and fiscal impacts.

Document Availability:

Copies of the FEIS, Appendix and Addenda are available and may be reviewed at the Town Clerk's office between 9:00 A.M. and 6:00 P.M. weekdays; and the Town Building Inspector's Office between 9:00 A.M. and 4:30 P.M. weekdays.

The FEIS, Appendix and Addenda are also on file and may be reviewed at the following locations:

Reinstein Memorial Library; 2580 Harlem Rd.

Cheektowaga South Branch Library; 2660 William St.

Cheektowaga North Branch Library; 735 Maryvale Dr.

Kelly Park Store Front Library; 27 Kelly Dr.

Copies of the DEIS and Appendices which have been incorporated by reference into the FEIS are also available for review at the above locations.

For Further Information:

Contact Person: Thomas Adamczak

Assistant Building Inspector

Town Hall

Broadway and Union Roads

Cheektowaga, New York 14227

Phone: 716-686-3470

Public Comment:

The public may comment on the FEIS by communicating in writing to Thomas Adamczak at the above address for a period of 30 days. Comments will be considered if received by 5:00 P.M. on October 21, 1987.

Copies of this notice sent to:

Commissioner - Department of Environmental Conservation

50 Wolf Road

Albany, New York 12233-001

New York State Department of Environmental Conservation

Region 9 Headquarters

600 Delaware Avenue

Buffalo, New York 14202

Supervisor Daniel E. Weber

Town of Cheektowaga

Involved and Interested Agencies:

New York State Department of Transportation

Erie County Department of Environment and Planning

Erie County Water Authority

Forks Fire District No. 3

New York State Thruway Authority

U.S. Army Corps. of Engineers

U-Crest Fire District No. 4

Walden Fire District No. 2

Niagara Frontier Transportation Authority

Cheektowaga Central School District

Cheektowaga Planning Board

Cheektowaga Town Board

Cheektowaga Highway Department

Cheektowaga Engineering Department

Cheektowaga Environmental Advisory Review Committee

Cheektowaga Police Department

Cheektowaga Traffic Safety Commission

Cheektowaga Building & Plumbing

Inspector's Department

DATED: September 22, 1987

PUBLISHED: September 24, 1987

EVE T. ALLEN

Notary Public State of New York

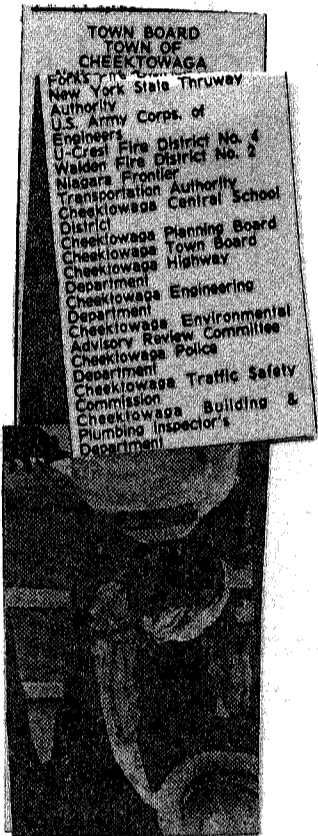
Qualified in Erie County

My Commission Expires April 30, 1988

#2

State of New York

ERIE COUNTY
CITY OF BUFFALO



D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes
and says that she is Principal Clerk
of the BUFFALO EVENING NEWS, INC., Publisher of
THE BUFFALO NEWS, a newspaper published in said
city, that the notice of which the annexed printed slip taken
from said newspaper is a copy, was inserted and published
therein once ~~a week for~~ ~~XXXXXXXXXX~~ ~~weeks,~~ the
first insertion being on the 24th day of September
19 87 and the last insertion being on the ~~XXXXXX~~ day
of ~~XXXXXXXXXXXXXXXXXXXX~~

D. Eileen Perry

on to before me this 24th day

September 19 87

Harold C. Mann
Notary Public, Erie County, N.Y.

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 30, 1988

#2

State of New York

ERIE COUNTY
CITY OF BUFFALO

**TOWN BOARD
TOWN OF
CHEEKTOWAGA**
Notice of Completion of
Final Environmental
Impact Statement
Lead Agency: Town Board
Town of Cheektowaga
Address: Town Hall
Broadway and Union Road
Cheektowaga, New York
14227

Date: September 22, 1987
This notice is issued pursuant
to Part 617 of the implement-
ing regulations (6 NYCRR)
pertaining to Article 8 (State
Environmental Quality Review
Act) of the Environmental
Conservation Law and Section
23A-16 of the Town of Chee-
ktowaga Code.

A Final Environmental Impact
Statement has been completed
and accepted by the Town
Board of the Town of Chee-
ktowaga, as lead agency, for
the proposed action described
below.

Title of Action:
Walden Galleria Regional
Shopping Center

Description of Action:
The Pyramid Company of
Buffalo is proposing to devel-
op a 93,000 square foot gross
leasable area enclosed regional
shopping center on a 72
acre site north of Walden Ave-
nue in the Town of Chee-
ktowaga. The project entails con-
struction of stormwater
detention basins on either
Town owned lands west of the
New York State Thruway or
alternative nearby sites if per-
mission to use Town owned
lands is denied and various
traffic improvements including
the construction of a new
Town road (Galleria Drive)
connecting Walden Avenue
with Union Road. Future devel-
opment possibilities include
the expansion of the Walden
Galleria by an additional
440,000 square feet gross leas-
able area with either reloca-
tion or construction over a
portion of the Scalapogue
Creek.

Location:
The site is generally bounded
on the south by Walden Ave-
nue, on the west by the New
York State Thruway, on the
north by the abandoned Con-
rail right-of-way and on the
east by Union Road and the
Cheektowaga Consolidated
Central High School. The site
is located in the Town of
Cheektowaga, Erie County,
New York.

**Potential Environmental
Impacts Studied:**
Impacts studied include: land
use relationships, retail im-
pacts, an increase in traffic in
the vicinity of the site, effects
of the project on stormwater
runoff and flood storage ca-
pacity; loss of vegetation and
wildlife due to development of
the site; construction and op-
erational noise impacts; ar-
chaeological sensitivity of the
site; visual impacts; air qual-
ity impacts; impacts on school
children; impacts on commu-
nity services; and fiscal
impacts.

Document Availability:
Copies of the FEIS, Appendix
and Addenda are available
and may be reviewed at the
Town Clerk's office between
9:00 A.M. and 6:00 P.M. week-
days; and the Town Building
Inspectors Office between 9:00
A.M. and 4:30 P.M. weekdays.
The FEIS, Appendix and Ad-
denda are also on file and
may be reviewed at the
following locations:
Reinstein Memorial Library
2580 Harlem Road
Cheektowaga South Branch
Library
2664 William St.
Cheektowaga North Branch
Library
735 Maryvale Dr.
Kelly Park Store Front
Library
27 Kelly Dr.
Copies of the DEIS and Ap-
pendices which have been in-
corporated by reference into
the FEIS are also available
for review at the above
locations.

**For Further Information:
Contact Person:**
Thomas Adamczak
Assistant Building Inspector
Address:
Town Hall
Broadway and Union Roads
Cheektowaga, New York
14227
Phone Number:
716-442-3473

Public Comment:
The public may comment on
the FEIS by communicating in
writing to Thomas Adamczak
at the above address for a
period of 30 days. Comments
will be considered if received
by 5:00 P.M. on October 21,
1987.

Copies of the Notice sent to:
Commissioner - Department of
Environmental Conservation
61 West Road
Albany, New York 12223-001
New York State Department
of Environmental Conservation
Region 9 Headquarters
600 Delaware Avenue
Buffalo, New York 14202
Supervisor Daniel E. Weber
Town of Cheektowaga
Involved and interested
Agencies:
New York State Department
of Transportation
Erie County Department of
Environment and Planning
Erie County Water Authority
Perks Fire District No. 3
New York State Thruway
Authority
U.S. Army Corps of
Engineers
U-Crest Fire District No. 4
Walden Fire District No. 2
Niagara Frontier
Transportation Authority
Cheektowaga Central School
District
Cheektowaga Planning Board
Cheektowaga Town Board
Cheektowaga Highway
Department
Cheektowaga Engineering
Department
Cheektowaga Environmental
Advisory Review Committee
Cheektowaga Police
Department
Cheektowaga Traffic Safety
Commission
Cheektowaga Building &
Plumbing Inspector's
Department

D. Eileen Perry

City of Buffalo, New York, being duly sworn, deposes

that she is Principal Clerk

BUFFALO EVENING NEWS, INC., Publisher of

BUFFALO NEWS, a newspaper published in said

that the notice of which the annexed printed slip taken

said newspaper is a copy, was inserted and published

once ~~a week for~~ ~~XXXXXXXXXXXX~~ ~~weeks~~ ~~the~~

insertion being on the 24th day of September

7 and the last insertion being on the ~~XXXXXX~~ day

~~XXXXXXXXXXXX~~

D. Eileen Perry

day

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 30, 1988

Notary Public, Erie County, N.Y.

Item No. 22 Extension of time period for preparation/acceptance of FEIS regarding Walden Galleria
This item was withdrawn.

Item No. 23 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the construction of such mall is subject to compliance with the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, as part of the SEQRA process, the Pyramid Company of Buffalo has submitted a proposed Final Environmental Impact Statement ("FEIS") on the Walden Galleria, and

WHEREAS, this Town Board desires to hire a professional consultant or consultants to review the proposed FEIS and to provide additional professional expertise concerning such document, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice requesting consultants to submit proposals to this Town Board to review the proposed FEIS and the Walden Galleria project; notice to be published in the CHEEKTOWAGA TIMES and the BUFFALO NEWS.

* * * * *

INVITATION FOR PROPOSALS

FROM CONSULTANTS TO REVIEW

PROPOSED FEIS FOR WALDEN GALLERIA

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, as lead agency for the proposed construction of the Walden Galleria (a retail shopping mall) in the Town of Cheektowaga, hereby invites proposals from consultants to review the proposed Final Environmental Impact Statement ("FEIS") submitted for the Walden Galleria.

Proposals from such consultants should include:

1. statement of qualifications, experience;
2. areas of expertise;
3. references;
4. fee schedules;
5. time table for beginning and completing review;
6. size of staff;
7. statement as to no conflict of interest, including a statement as to whether consultant ever performed work for either Pyramid Companies or the Task Force Opposed to Another Mall.

Proposals should be forwarded to:

RICHARD M. MOLESKI, Town Clerk
Town of Cheektowaga
Town Hall
Broadway and Union Road
Cheektowaga, New York 14227

on or before October 2, 1987

RICHARD M. MOLESKI

Dated: Cheektowaga, New York
September 21, 1987

MEETING NO. 21
September 21, 1987

Item No. 23 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justine Dombik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks;
first publication.....*SEP 24 1987*..... ;
last publication.....*SEP 24 1987*..... ;
and that no more than six days intervened be-
tween publications.

Justine Dombik.....

Sworn to before me this*25*.....
September
day of*87*....., 19.....

Eve J. Allis.....

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1989

**LEGAL NOTICE
INVITATION FOR PROPOSALS
FROM CONSULTANTS
TO REVIEW
PROPOSED FEIS FOR
WALDEN GALLERIA**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, as lead agency for the proposed construction of the Walden Galleria (a retail shopping mall) in the Town of Cheektowaga, hereby invites proposals from consultants to review the proposed Final Environmental Impact Statement ("FEIS") submitted for the Walden Galleria.

Proposals from such consultants should include:

1. statement of qualifications, experience;
2. areas of expertise;
3. references;
4. fee schedules;
5. time table for beginning and completing review;
6. size of staff;
7. statement as to no conflict of interest, including a statement as to whether consultant ever performed work for either Pyramid Companies or the Task force Opposed to Another Mall.

Proposals should be forwarded to:
RICHARD M. MOLESKI, Town Clerk
Town of Cheektowaga
Town Hall
Broadway & Union Road
Cheektowaga, New York 14227
on or before October 2, 1987.

RICHARD M. MOLESKI
DATED: September 21, 1987
PUBLISH: September 24, 1987

EVE J. ALIIS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1991

#1

State of New York

ERIE COUNTY
CITY OF BUFFALO

D. Eileen Perry

INVITATION FOR PROPOSALS FROM CONSULTANTS TO REVIEW PROPOSED FEIS FOR WALDEN GALLERIA NOTICE IS HEREBY GIVEN, that the Town Board of The Town of Cheektowaga, as lead agency for the proposed construction of the Walden Galleria (a retail shopping mall) in the Town of Cheektowaga, hereby invites proposals from consultants to review the proposed Final Environmental Impact Statement ("FEIS") submitted for the Walden Galleria.

Proposals from such consultants should include:

1. statement of qualifications, experience;
2. areas of expertise;
3. references;
4. fee schedules;
5. time table for beginning and completing review;
6. size of staff;
7. statement as to no conflict of interest, including a statement as to whether consultant ever performed work for either Pyramid Companies or the Task Force Opposed to Another Mall.

Proposals should be forwarded to:
RICHARD M. MOLESKI,
 Town Clerk
 Town of Cheektowaga
 Town Hall
 Broadway and Union Road
 Cheektowaga, New York 14227

on or before October 2, 1987
RICHARD M. MOLESKI
 Dated: Cheektowaga, N.Y.
 September 23, 1987

of the City of Buffalo, New York, being duly sworn, deposes and says that she is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein once ~~once~~ ~~for~~ ~~the~~ first insertion being on the 24th day of September 19 87 ~~and the last insertion being on the~~ day

D. Eileen Perry

Sworn to before me this 24th day of September 19 87

Harold A Mann

HAROLD A. MANN
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires November 30, 1988

Notary Public, Erie County, N.Y.

MEETING NO. 21
September 21, 1987

Item No. 24 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo has proposed the construction of a shopping mall known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the construction of such a mall is subject to compliance with the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, as part of the SEQRA process, the Pyramid Company of Buffalo has submitted a proposed Final Environmental Impact Statement ("FEIS") on the Walden Galleria, and

WHEREAS, the Commanding Officer of the Buffalo District, U.S. Army Corps of Engineers has commented on the stormwater management and flood control study of said developer of the mall, as it could affect the Corps' flood control project on Scajaquada Creek, and

WHEREAS, the said Corps of Engineers has the experience, data and expertise to expand its comments by the inclusion of the possible impact of the mall on the floodplain zone of Scajaquada Creek and its tributaries, with a hydrological analysis for the Scajaquada Creek drainage basin, and

WHEREAS, any information provided by the Corps of Engineers would assist this Town Board in making an informed decision on this matter, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the Corps of Engineers to expand its comments by the inclusion of the possible impact of the mall on the floodplain zone of Scajaquada Creek and its tributaries, with a hydrological analysis of the developer's data for the Scajaquada Creek drainage basin, as well as any other comments it deems advisable for this Town Board to consider relative to this project, and BE IT FURTHER

RESOLVED that the Town Clerk forward a copy of this resolution to Daniel R. Clark, Colonel, U.S. Army, at 1776 Niagara Street, Buffalo, New York 14207-3199.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

I. RESOLUTIONS

Item No. 2a Motion by Councilman Santa Maria, Seconded by Councilman Jaworowicz

WHEREAS, Ferraro Entertainment, Inc. has applied for a Special Permit for an amusement park/asphalt surface go-kart track on property located at Harlem Road and Walden Avenue (Thruway Mall), Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of April, 1987 at 6:30 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit provided:

1. grass to be planted and maintained in the 50 foot area between the skating rink and go-kart area;
2. no parking of autos be allowed in this 50 foot area and the applicant so post and police the area;

Item No. 2a cont'd

3. the entire track operation be fenced with a four foot high chain link fence; and
4. landscaping be done as per the plan submitted.

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at Harlem Road and Walden Avenue (Thruway Mall), and has rendered a determination that the Special Permit will not have a significant effect on the environment provided:

1. a guard rail be installed along the west side of the site;
2. public viewing be prohibited along the west side of the site;
3. that the vehicles operated on the track be of the type equivalent to the Honda 5 horsepower go-kart.

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is subject to the aforementioned conditions stated by the Town Planning and the Town Environmental Advisory Committee.

* See next page for description

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

DESCRIPTION

HARLEM ROAD AND WALDEN AVENUE, SOUTHEAST CORNER OF
THRUWAY MALL ABUTTING SKATING RINK BUILDING AND
GENERAL CINEMA THEATRES

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justine Dembik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... SEP 24 1987 ;
last publication... SEP 24 1987 ;
and that no more than six days intervened be-
tween publications.

Justine Dembik.....

Sworn to before me this *25*
day of September, 19*87*.....

Eve J. Allis.....

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1989

**LEGAL NOTICE
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 21st day of September, 1987, at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber

Councilman: Thomas M. Johnson Jr.
Councilman: William P. Rogowski
Councilman: Patricia A. Jaworowicz
Councilman: Christopher J. Kowal
Councilman: Dennis H. Gabryszak
Councilman: Rudy A. Santa Maria

ABSENT: 0

Motion by: Councilman Santa Maria
Seconded by: Councilman Jaworowicz

WHEREAS, Ferraro Entertainment, Inc. has applied for a Special Permit for an amusement park/asphalt surface go-kart track on property located at Harlem Road and Walden Avenue (Thruway Mall), Cheektowaga, New York pursuant to section 82.33 of the Code of the Town of Cheektowaga (Zoning Ordinance); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of April, 1987 at 6:30 O'clock P.M. of said day for the purpose of considering said application for a special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit provided:

1. grass to be planted and maintained in the 50 foot area between the skating rink and go-kart area;
2. no parking of autos be allowed in this 50 foot area and the applicant to post and police the area;
3. the entire track operation be fenced with a four foot high chain link fence; and
4. landscaping be done as per the plan submitted.

and
WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at Harlem Road and Walden Avenue (Thruway Mall), and has rendered a determination that the Special Permit will not have a significant effect on the environment provided:

1. a guard rail be installed along the west side of the site;
2. public viewing be prohibited along the west side of the site;
3. that the vehicles operated on the track be of the type equivalent to the Honda 5 horsepower go-kart.

NOW THEREFORE BE IT RESOLVED that said Special Permit be and hereby is subject to the aforementioned conditions stated by the Town Planning and the Town Environmental Advisory Committee.

**DESCRIPTION
HARLEM ROAD AND WALDEN AVENUE, SOUTHEAST CORNER OF THRUWAY MALL ABUTTING SKATING RINK BUILDING AND GENERAL CINEMA THEATRES**

Upon roll call.....
Supervisor Weber; Voting AYE
Councilman Johnson; Voting AYE
Councilman W.P. Rogowski; Voting AYE

Councilman Jaworowicz; Voting AYE
Councilman Kowal; Voting AYE
Councilman Gabryszak; Voting AYE
Councilman Santa Maria; Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

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 21, 1987 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 appear at item No. 2A, 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 21st day of September 1987.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 24, 1987

Item No. 2b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, this Town Board held a public hearing on September 8, 1987 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) 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 amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Groell Ave.	East-west	Redoak	Southbound	N.W. Corner
Redoak	North-south	Brown Ave.	Eastbound	S.W. Corner
Groell Ave.	North-south	Redoak	Eastbound	S.W. Corner
Losson Road	East-west	Groell Ave.	Northbound	S.E. Corner

Section 76.81. Yield intersections shall be amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Yield</u>	<u>Sign Location</u>
Brookedge Rd.	North-south leg	Brookedge Rd. (east-west leg)	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime

BROWN AVE.	South side	from the east curblineline of Union Road to the west curblineline of Redoak.
ASHLEAF DR.	North side	from the east curblineline of Rushford Lane to the west curblineline of Hillpine Road.
GROELL AVE.	South side and east side	from the east curblineline of Union Road to the south curblineline of Losson Road.
CLEVELAND DR.	North side	from the east curblineline of Beach Road to a point 282 plus or minus feet east of the east curblineline of Beach Road.

Section 2. Time to take effect.

(a) These amendments 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 these amendments which are 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.

Item No. 2b cont'd

Section 3. Territorial Application

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

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justin Dembik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication...SEP. 24 1987..... ;
last publication...SEP. 24 1987..... ;
and that no more than six days intervened be-
tween publications.

Justin Dembik.....

Sworn to before me this *25*.....
September
day of, 19*87*..

Eve J. Allis.....

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1989

**LEGAL NOTICE
EXTRACTS FROM MINUTES
September 24, 1987**

**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 21st day of September, 1987, at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel B. Weber

Councilman: Thomas M. Johnson Jr.

Councilman: William P. Rogowski

Councilman: Patricia A. Jaworowicz

Councilman: Christopher J. Kowal

Councilman: Dennis H. Gabryszak

Councilman: Rudy A. Santa Maria

ABSENT: 0

Motion by: Councilman Johnson

Seconded by: Councilman Gabryszak

WHEREAS, this Town Board held a public hearing on September 8, 1987 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be held was afforded all 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 amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 76-80. Stop intersections shall be amended by adding thereto the following:

Street: Groell Ave., Direction: East-west; Entrance Street: Redoak, Traffic Stops; Southbound, Sign Location: N.W. corner

Street: Redoak, Direction: North-south; Entrance Street: Brown Ave., Traffic Stops; Eastbound, Sign Location: S.W. corner

Street: Groell Ave., Direction: North-south; Entrance Street: Redoak, Traffic Stops; Eastbound Sign Location: S.W. corner

Street: Losson Road, Direction: East-west; Entrance Street: Groell Ave., Traffic Stops; Northbound, Sign Location: S.E. corner

Section 76-81. Yield intersections shall be amended by adding thereto the following:

Street: Brookedge Rd., Direction: North-south leg, Entrance Street: Brookedge Rd. (east-west leg), Traffic Yield: Westbound, Sign Location: N.E. corner

ARTICLE X
Parking, Standing, and Stopping
Section 76-102. Parking prohibited in designated locations shall be amended by adding thereto the following:

B. No parking anytime
BROWN AVE., south side, from the east curb line of Union Road to the west curb line of Redoak.

ASHLEAF DR., north side, from the east curb line of Rushford Lane to the west curb line of Hillside Road.

GROELL AVE., south side and east side; from the east curb line of Union Road to the south curb line of Losson Road.

CLEVELAND DR., north side, from the east curb line of Beach Road to a point 282 plus or minus feet east of the east curb line of Beach Road.

Section 2. Time to take effect.
(a) These amendments 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 these amendments which are 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
These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside the villages of Depew and Sloan.

Section 4. Publication.
That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call.....
Supervisor Weber; Voting AYE
Councilman Johnson; Voting AYE
Councilman W.P. Rogowski; Voting AYE
Councilman Jaworowicz; Voting AYE
Councilman Kowal; Voting AYE
Councilman Gabryszak; Voting AYE
Councilman Santa Maria; Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

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 21, 1987 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 appear at item No. 2b, 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 21st day of September 1987.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 24, 1987

CHEEKTOWAGA TIMES 21

2111 1 1312

City of Cheektowaga, Erie County, New York

Commissioner of Public Works

MEETING NO. 21
September 21, 1987

Item No. 3 Motion by Councilman Santa Maria, Seconded by Councilman Jaworowicz

WHEREAS, Atlas Auto Glass has made application and requested a Special Use Permit for Retail Auto and Small Truck Transmission Rebuilding facility at property located at 3814 Union Road, said applicant being owner of property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 5, 1987 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 Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justice Dobik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... SEP. 24 1987..... ;
last publication..... SEP. 24 1987..... ;
and that no more than six days intervened be-
tween publications.

Justice Dobik.....

Sworn to before me this *25*.....
September
day of, 19*87*.....

Eve J. Allis.....

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1989

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 5th day of October 1987 at 6:30 o'clock, P.M., Eastern Daylight Savings time of said day for the purpose of considering the application of Atlas Auto Glass/American Transmission for a Special Permit to use property for auto and small truck repairs on property located at 3814 Union Rd. 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.

Schedule A

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. 17, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the westerly line of Union Road as now laid out one hundred (100) feet in width, which point is one thousand one hundred eighty and fifty hundredths (1180.50) feet measured along said westerly line of Union Road northerly from the south line of said Lot No. 17 at the northeast corner of lands conveyed to the Carpenter Steel Company by deed recorded in Erie County clerk's Office in liber 5989 of deeds page 276 on May 21 1956: thence westerly along the northerly line of lands of Carpenter Steel Company and parallel with the south line of said Lot No. 17, three hundred thirty and sixty eight hundredths (330.68) feet; thence northerly parallel with the west line of Union Road fifty (50) feet; thence easterly parallel with the south line of said Lot No. 17, three hundred thirty and sixty eight hundredths (330.68) feet to the west line of Union Road fifty (50) feet to the point or place of beginning.

BY ORDER OF THE TOWN BOARD

Supervisor: Daniel B. Weber

Councilman:

Thomas M. Johnson, Jr.

William P. Rogowski

Patricia A. Jaworowicz

Christopher J. Kowal

Dennis H. Gabryszak

Rudy A. Santa Maria

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 24, 1987

FILED IN 11112
Notary Public State of New York
Qualified in Erie County
My Commission Expires 12/31/88

MEETING NO. 21
September 21, 1987

Item No. 4 Motion by Councilman Rogowski, Seconded by Councilman Gabryszak

WHEREAS, this Town Board authorized the receipt of bids for Town Hall Site Improvements and bids were duly received and opened on August 31, 1987, and

WHEREAS, the Town Clerk, in his letter of September 3, 1987, notified this office that the town's official newspaper had failed to publish the necessary Notice to Bidders, and

WHEREAS, the Town Attorney's Office had notified this office that failure to publish an advertisement for bids in the officially designated Town newspaper makes acceptance of the bids invalid, NOW, THEREFORE, BE IT

RESOLVED that the bids as received for Town Hall Site Improvements be and hereby are rejected and it is the intent of this Town Board to reschedule the acceptance of bids for said Town Hall Site Improvements Project at a later date.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 5a Motion by Councilman Kowal, Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a public bid opening held on September 8, 1987, at the Town Hall, for the purchase of snow plow blades, shoes and nose pieces, grader blades and receiver grates, frames and boxes, manhole covers and frames, curb boxes and sanitary sewer covers for use in the Cheektowaga Highway department, as a result of advertisement thereof, 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 those bidders stated in the tabulations from the Superintendent of Highways attached hereto and made a part thereof, said bidders being the lowest responsible bidders meeting specifications.

* See next nine (9) pages for letter and tabulation.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: 686-3450



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

September 14, 1987

SUPERVISOR DANIEL E. WEBER
TOWN BOARD MEMBERS
CHEEKTOWAGA NY 14227

Re: Award of Bids for Snow Plow Blades, etc.

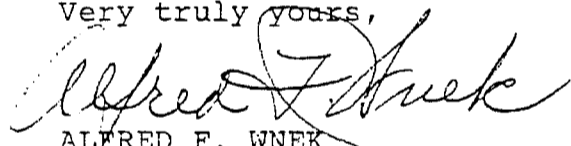
Dear Town Board Members:

On September 8th, 1987, the Town Clerk, Richard Moleski, received and opened publicly bids for snow plow blades, shoes and nose pieces, grader blades and receiver grates, frames and boxes, manhole covers and frames, curb boxes and sanitary sewer covers.

Attached hereto is a completed tabulation of bidders and prices for each item. After careful review of same, I recommend that the Honorable Body award the contracts to the lowest responsible bidders.

I hope this meets with your honorable approval.

Very truly yours,


ALFRED F. WNEK
Highway Superintendent

AFW:erp

cc: Town Board
Town Clerk
Law Office

"When better roads are built — Cheektowaga will build them"



Harry Rusert Co Inc.
75 Elmview Ave.
Hamburg 14075
648-5082

Valk Mfg. Co.
P.O. Box 218
Carlisle Pa. 17013
717-766-0711

Nuttall Equip Co. Inc.
525 Bullis Rd.
W. Seneca (14224)
716-675-1775

Snowfighting Equip
& Consultants of Buffalo
Inc.
P.O. Box 126 (14220)
824-0779

Supp Central
Sales Corp.
101 Great Arrow
(14216)
877-1992

STEEL SHOES AND NOSES Cast Iron-One way Plow - FW3232-1A
One Piece 2"x 10"x 14" Frame Shoe

per Dozen	378.00	396.00		
per 1/2 doz.	189.00	198.00		
per Unit	31.50	33.00	37.51	
FRINK WF3027-1A Mold Board Shoe				
per Dozen	240.00	198.00		
per 1/2 doz.	120.00	99.00		
per Unit	20.00	16.50	43.53	
FRINK 2184 x 3 Wing Shoe MUST BE STEEL				
per Dozen	334.32	277.20		
per 1/2 doz.	167.16	138.60		
per Unit	27.86	23.10	30.60	
FRINK 541R Nose Piece				
per Dozen	204.00	132.00		
per 1/2 doz.	102.00	66.00		
Unit	17.00	11.00	17.19	
CARBON SNOW PLOW BLADES 2121-11A				
5/8"x6" -- per foot	5.04	3.35	3.40	4.55
5/8"x8" -- per foot	5.75	4.45	—	6.15

Consistent
because of limitation!

George & Suede Sales
 7155 Big Tree Rd.
 Pavilion
 716-584-3425

Frontier Industrial
 1334 Hopkins
 (4226)
 826-7200

Southern Tier Municipal
 P.O. Box 0892
 Jamestown
 716-487-0168

W.M. Roberts Ent. Inc.
 829 Sheridan Dr.
 Tonawanda 14150
 716-877-3551

Jamestown Iron Works
 909 Allen St. Ft.
 Falconer (14733)
 1-665-2818

STEEL SHOES AND NOSES Cast Iron-One way Plow - FW3232-1A
 One Piece 2"x 10"x 14" Frame Shoe

per Dozen	449.04		38.68 ^{46.16}	415.56	392.52	
per 1/2 doz.	224.52		40.72 ^{24.22}	207.78	196.25	
per Unit	37.42		42.87	34.63	32.71	34.00

FRINK WF3027-1A Mold Board Shoe

per Dozen	20.76 ^{240.12}		21.46 ^{257.52}	228.96	217.80	
per 1/2 doz.	10.38 ^{124.66}		22.59 ^{126.54}	114.48	108.90	
per Unit	1.73 ^{20.76}		23.78	19.08	18.15	45.00

Circular Letter to follow 20.76 unit price

No Quote

FRINK 2184 x 3 Wing Shoe MUST BE STEEL

per Dozen	249.12		29.79 ^{257.48}	313.80	302.28	
per 1/2 doz.	124.76		31.35 ^{188.10}	156.90	151.14	
per Unit	20.76		33.01	26.15	25.19	28.00
per Dozen	205.68		17.72 ^{212.64}	185.16	179.88	
per 1/2 doz.	102.84		18.65 ^{111.90}	92.58	89.94	
per Unit	17.14		19.64	15.43	14.99	32.00

CARBON SNOW PLOW BLADES 2121-11A

5/8"x6" -- per foot	6.47		5.96	3.67	3.39	
5/8"x8" -- per foot	8.74		8.05	4.91	4.52	

Minimum 10,000#

Minimum 10,000#

	Harry Lussert Co Inc.	Valk Mfg. Co.	Nuttall Equip	Snowfighting Equipment	Rupp Rental & Sales Corp. 101 W. Arrow (44216) (877-1992)
FLAME HARDENED GRADER BLADES					
3/4" x 8" per foot	8.21	7.75	5.32		11.15
Hardness shall be 57 to 67 on Rockwell "C" Scale with a depth of 1/8" on each face of blade using the Flame Hardening Process.					
HEAT TREATED THRU-HARDENED GRADER BLADES					
3/4"x8" -- per foot	8.49	7.25			11.15
FRONT PLOW BLADE - CARBIDE EDGE 132"					
Per Dozen	4680.00	4656.00		Carbide Blades Made in U.S.A. \$3685.12	
Per 1/2 doz.	2340.00	2328.00			
Per Unit	390.00	388.00	521.40		333.30
CARBIDE TIPPED SHOE FOR ABOVE #3232					
Per Dozen	1620.00	1,188.00			
Per 1/2 doz.	810.00	594.00			
Per Unit	135.00	99.00	150.00		
				*Minimum order F.O.B. Cheektowaga	Full freight paid on orders of 25,000 lbs. Orders less than 25,000 lbs. F.O.B. ship point same for 100 ft or less.

George & Suede

Frontier Industrial

Southern Tier Municipal

W.M. Roberts Ent Inc

Jamestown Iron Works

FLAME HARDENED GRADER BLADES

3/4" x 8" per foot 10.57 9.75 9.73 9.31

Hardness shall be 57 to 67 on Rockwell "C" Scale with a depth of 1/8" on each face of blade using the Flame Hardening Process.

HEAT TREATED THRU-HARDENED GRADER BLADES

3/4"x8" -- per foot 16.10 13.68' 9.00 8.59

FRONT PLOW BLADE - CARBIDE EDGE 132"

Per Dozen 4944. 462.00⁵⁴⁴ 3959.40

Per 1/2 doz. 2472. 489.00²⁹³⁴ 1979.70

Per Unit 412. 510.00 329.95

CARBIDE TIPPED SHOE FOR ABOVE #3232

Per Dozen 1344. 130.00¹⁵⁶⁰ No Bid

Per 1/2 doz. 672. 137.20⁵²³²

Per Unit 112. 144.83

No Bid

No Bid

No Bid

- 11 - *J. Mesterson*

EXTENSION RINGS FOR MANHOLES
(Mounted to Prevent Rocking)

		Per Dozen	Per 1/2 doz.	per Uni
22" dia. x 1"	Gray Iron	\$939.00	\$493.00	\$ 85.00
22" dia. x 2"	Gray Iron	939.00	493.00	85.00
22" dia. x 3"	Gray Iron	939.00	493.00	85.00
22 1/2" dia. x 2"	Gray Iron	939.00	493.00	85.00
23" dia. x 1"	Gray Iron	939.00	493.00	85.00
23" dia. x 1 1/2"	Gray Iron	939.00	493.00	85.00
23" dia. x 2"	Gray Iron	939.00	493.00	85.00
23" dia. x 3"	Gray Iron	939.00	493.00	85.00
24" dia. x 1"	Gray Iron	939.00	493.00	85.00
24" dia. x 1 1/2"	Gray Iron	939.00	493.00	85.00
24" dia. x 2"	Gray Iron	939.00	493.00	85.00
24" dia. x 3"	Gray Iron	939.00	493.00	85.00
25" dia. x 1"	Gray Iron	939.00	493.00	85.00
25" dia. x 1 1/2"	Gray Iron	939.00	493.00	85.00
25" dia. x 2"	Gray Iron	939.00	493.00	85.00
25" dia. x 3"	Gray Iron	939.00	493.00	85.00

SEWER CASTINGS WITH COVERS

22"	Gray Iron	\$1575.00	\$812.00	\$152.00
23"	Gray Iron	1816.00	933.00	168.00
24"	Gray Iron	1816.00	933.00	168.00
25"	Gray Iron	1816.00	933.00	168.00

MANHOLE COVERS WITHOUT CASTINGS

22"	Gray Iron	\$ 905.00	\$470.00	\$ 95.00
23"	Gray Iron	905.00	470.00	95.00
24"	Gray Iron	905.00	470.00	95.00
25"	Gray Iron	905.00	470.00	95.00

Jamestown Iron

<u>MANHOLE FRAMES</u>	<u>Per Dozen</u>	<u>Per 1/2 Doz.</u>	<u>Per Unit</u>
22" Gray Iron	<u>\$940.00</u>	<u>\$518.00</u>	<u>\$98.00</u>
23" Gray Iron	<u>940.00</u>	<u>518.00</u>	<u>98.00</u>
24" Gray Iron	<u>940.00</u>	<u>518.00</u>	<u>98.00</u>
25" Gray Iron	<u>940.00</u>	<u>518.00</u>	<u>98.00</u>
<u>SANITARY SEWER COVER</u>			
M-122-1-ST Gray Iron	<u>920.00</u>	<u>492.00</u>	<u>95.50</u>
<u>RECEIVER BOXES</u>			
Standard City of Buffalo Type-Gray Iron	<u>No Quote</u>	<u>No Quote</u>	<u>No Quote</u>
<u>RECEIVER GRATES - WITHOUT FRAMES</u>			
24x1 1/4 Round - Heavy Duty Gray Iron	<u>905.00</u>	<u>470.00</u>	<u>95.00</u>
24x1 1/4 Round - Heavy Duty Gray Iron	<u>905.00</u>	<u>470.00</u>	<u>95.00</u>
24 Round - Heavy Duty Gray Iron	<u>905.00</u>	<u>470.00</u>	<u>95.00</u>
12x12 Heavy Duty Gray Iron	<u>445.00</u>	<u>230.00</u>	<u>42.00</u>
12x18 Heavy Duty Gray Iron	<u>651.00</u>	<u>338.00</u>	<u>73.00</u>
13x18 Heavy Duty Gray Iron	<u>651.00</u>	<u>338.00</u>	<u>73.00</u>
<u>HALF-RECEIVER WITHOUT FRAME</u>			
15x29 Heavy Duty Gray Iron	<u>1095.00</u>	<u>590.00</u>	<u>113.00</u>
18x18 Heavy Duty Gray Iron	<u>795.00</u>	<u>428.00</u>	<u>88.50</u>
<u>FULL RECEIVER GRATES - WITHOUT FRAME</u>			
22x29 Heavy Duty Gray Iron	<u>1095.00</u>	<u>590.00</u>	<u>113.00</u>
* 26x26x1 1/4 Heavy Duty Gray Iron	<u>855.00</u>	<u>440.00</u>	<u>84.50</u>
<u>FULL RECEIVER GRATE - WITH FRAME</u>			
* 26x26x1 1/4 Heavy Duty Gray Iron	<u>2166.00</u>	<u>1108.00</u>	<u>188.00</u>
<u>FRAMES FOR DARK SECTION - TOPSECTION</u>			
18x18 Gray Iron	<u>No Quote</u>	<u>No Quote</u>	<u>No Quote</u>
24x24 Gray Iron	<u>" "</u>	<u>" "</u>	<u>" "</u>

* Jamestown Iron Works 164-5 or equal. (Bicycle Safe Receiver Grates)

Kuttall

EXTENSION RINGS FOR MANHOLES
(Mounted to Prevent Rocking)

		Per Dozen	Per 1/2 doz.	per Unit
22" dia. x 1"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
22" dia. x 2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
22" dia. x 3"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
22 1/2" dia. x 2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
23" dia. x 1"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
23" dia. x 1 1/2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
23" dia. x 2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
23" dia. x 3"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
24" dia. x 1"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
24" dia. x 1 1/2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
24" dia. x 2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
24" dia. x 3"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
25" dia. x 1"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
25" dia. x 1 1/2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
25" dia. x 2"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>
25" dia. x 3"	Gray Iron	<u>980.27</u>	<u>520.39</u>	<u>88.74</u>

SEWER CASTINGS WITH COVERS

22"	Gray Iron	<u>1644.23</u>	<u>847.69</u>	<u>159.23</u>
23"	Gray Iron	<u>1895.82</u>	<u>974.01</u>	<u>175.38</u>
24"	Gray Iron	<u>1895.82</u>	<u>974.01</u>	<u>175.38</u>
25"	Gray Iron	<u>1895.82</u>	<u>974.01</u>	<u>175.38</u>

MANHOLE COVERS WITHOUT CASTINGS

22"	Gray Iron	<u>944.78</u>	<u>490.11</u>	<u>99.18</u>
23"	Gray Iron	<u>944.78</u>	<u>490.11</u>	<u>99.18</u>
24"	Gray Iron	<u>944.78</u>	<u>490.11</u>	<u>99.18</u>
25"	Gray Iron	<u>944.78</u>	<u>490.11</u>	<u>99.18</u>

Huttall

MANHOLE FRAMES

	<u>Per Dozen</u>	<u>Per 1/2 Doz.</u>	<u>Per Unit</u>
22" Gray Iron	<u>981.32</u>	<u>540.77</u>	<u>102.31</u>
23" Gray Iron	<u>SAME AS ABOVE</u>	<u>SAME AS ABOVE</u>	<u>SAME AS ABOVE</u>
24" Gray Iron	<u>"</u>	<u>"</u>	<u>"</u>
25" Gray Iron	<u>"</u>	<u>"</u>	<u>"</u>

SANITARY SEWER COVER

M-122-1-ST Gray Iron	<u>960.44</u>	<u>513.23</u>	<u>99.70</u>
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RECEIVER BOXES

Standard City of Buffalo Type-Gray Iron	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
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RECEIVER GRATES - WITHOUT FRAMES

24x1 1/2 Round - Heavy Duty Gray Iron	<u>955.28</u>	<u>490.66</u>	<u>99.18</u>
24x1 1/2 Round - Heavy Duty Gray Iron	<u>955.28</u>	<u>490.66</u>	<u>99.18</u>
24 Round - Heavy Duty Gray Iron	<u>955.28</u>	<u>490.66</u>	<u>99.18</u>
12x12 Heavy Duty Gray Iron	<u>464.56</u>	<u>240.11</u>	<u>43.85</u>
12x18 Heavy Duty Gray Iron	<u>679.62</u>	<u>532.75</u>	<u>76.21</u>
13x18 Heavy Duty Gray Iron	<u>679.62</u>	<u>532.75</u>	<u>76.21</u>

HALF-RECEIVER WITHOUT FRAME

15x29 Heavy Duty Gray Iron	<u>1143.13</u>	<u>615.93</u>	<u>117.97</u>
18x18 Heavy Duty Gray Iron	<u>829.25</u>	<u>446.81</u>	<u>91.89</u>

FULL RECEIVER GRATES - WITHOUT FRAME

2x29 Heavy Duty Gray Iron	<u>1143.90</u>	<u>615.93</u>	<u>117.97</u>
* 26x26x1 1/2 Heavy Duty Gray Iron	<u>892.58</u>	<u>463.52</u>	<u>88.22</u>

FULL RECEIVER GRATE - WITH FRAME

* 26x26x1 1/2 Heavy Duty Gray Iron	<u>2261.21</u>	<u>1156.70</u>	<u>196.26</u>
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FRAMES FOR DARK SECTION - TOPSECTION

18x18 Gray Iron	<u>N/A</u>	<u>_____</u>	<u>_____</u>
24x24 Gray Iron	<u>N/A</u>	<u>_____</u>	<u>_____</u>

* Jamestown Iron Works 164-5 or equal. (Bicycle Safe Receiver Grates)

MEETING NO. 21
September 21, 1987

Item No. 5b Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Huth Road Storm Sewer Project, which bids were duly received and publicly opened on August 19, 1987, and

WHEREAS, bids were referred to the Town Engineer, the Highway Superintendent and the consulting firm of Nussbaumer & Clarke, Inc. for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter from the Town Engineer to the Town Board dated September 17, 1987, and

WHEREAS, said report recommends that the bid be awarded to Toro Construction, Inc., 5765 Newhouse Road, East Amherst, New York 14651 for the total bid price of \$81,649.00, NOW, THEREFORE, BE IT

RESOLVED that the contract for the Huth Road Storm Sewer Project be and hereby is awarded to Toro Construction Inc., the lowest responsible bidder meeting the requirements of the specifications at the total bid price of \$81,649.00, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign said agreement with Toro Construction, Inc., and BE IT FURTHER

RESOLVED that funding for this construction project shall be charged to the General Fund, Account #8210.4559.

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.
William L. Wielinski.

* See next page for letter

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0



Town of Cheektowaga

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

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-686-3447
716-686-3448

September 17, 1987

TO SUPERVISOR WEBER AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Gentlemen:

Bids were received and opened by the Town Clerk on August 19, 1987 at 11:00 A.M. for the Huth Road Storm Sewer Project. Eight (8) bids were received as follows:

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Toro Construction, Inc.	\$ 81,649.00
Adams Construction Company	\$ 92,850.00
Kandey Company, Inc.	\$ 97,247.00
M.C. Morgan Contractors, Inc.	\$106,230.00
Accadia Enterprises, Inc.	\$107,975.00
Milherst Construction, Inc.	\$112,878.30
Eval Earth Boring, Inc.	\$114,175.00
Freeway Contracting Company, Inc.	\$132,887.50

Bids were reviewed by Nussbaumer & Clarke, Inc., Consulting Engineers. It is recommended by Nussbaumer & Clarke, Inc., the Highway Superintendent and the Town Engineer that the award be granted to Toro Construction, Inc. for submission of the lowest price of \$81,649.00 meeting the requirements of the specifications.

It should be noted that the bid of Toro Construction, Inc. was increased by \$1,950.00 to account for changes made in our requirements by our Addendum #1. Explanation for this adjustment is made in the Nussbaumer & Clarke, Inc. letter of August 31, 1987 to myself.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

CLB:dms

MEETING NO. 21
September 21, 1987

Item No. 5c Motion by Councilman Kowal, Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a bid opening on September 8, 1987 for Two (2) New and Unused One-Ton Dump Trucks to be purchased by the Town Highway Department as a result of advertisement thereof, 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 bid be awarded to Maier-Schule GMC, Inc., 1745 Walden Avenue, Buffalo, New York, at the purchase price after trade in of \$28,489.00 being the lowest responsible bidder meeting specifications.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 5d Motion by Councilman Kowal, Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a bid opening on September 8, 1987 for Two (2) New and Unused One Ton Crew Cab Pickups to be purchased by the Town Highway Department as a result of advertisement thereof, 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 bid be awarded to Gillogly Chevrolet, Inc., 1777 Union Road, West Seneca, New York at the purchase price after trade in of \$25,628.00, being the lowest responsible bidder meeting specifications.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 6a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board had authorized the preparation of plans and specifications for the Mafalda Drive Storm Drain Project, and

WHEREAS, the Town Engineer has notified this Town Board that plans and specifications have been completed and necessary easements have been obtained and the project is ready for bidding, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Mafalda Drive Storm Drain Project, said notice to be published in the CHEEKTOWAGA TIMES and the BUFFALO NEWS, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 7th day of October, 1987 at 11:00 A.M., Local Time, at the public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 7th day of October, 1987 at 11:00 A.M. Local Time, in the Town Hall

MEETING NO. 21
September 21, 1987

Item No. 6a cont'd

in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of the Mafalda Drive Storm Drain Project and related work, complete in place, tested and ready for use, in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Mafalda Drive Storm Drain Project."

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded one-half the deposit. Material suppliers and anyone returning the plans and specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

MEETING NO. 21
September 21, 1987

Item No. 6a cont'd

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state and all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of: Richard M. Moleski
Town Clerk, Town of Cheektowaga.

Dated: September 21, 1987

Published: September 24, 1987

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justin DemBik, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... SEP 24 1987 ;
last publication..... SEP 24 1987 ;
and that no more than six days intervened be-
tween publications.

Justin DemBik

Sworn to before me this 25th
day of September, 1987.

Eve J. Allis

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1989

**LEGAL NOTICE
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 7th day of October, 1987, at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools and equipment and incidentals required for the construction of the Mafalda Drive Storm Drain Project and related work, complete in place, tested and ready for use, in accordance with the Contract Documents therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Mafalda Drive Storm Drain Project."

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30 day period.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246, THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

**BY ORDER OF:
RICHARD M. MOLESKI
Town Clerk**

**Town of Cheektowaga
DATED: September 21, 1987
PUBLISH: September 24, 1987**

EVE J. ALLEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/31/87

#3

State of New York

ERIE COUNTY
CITY OF BUFFALO

compensation use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract, THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.
The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.
By Order of:
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga
Dated: September 21, 1987



D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that ^she is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein once ~~a week for xxxxxxxx weeks~~ the first insertion being on the 24th day of September 19 87 ~~and the last insertion being on the xxxxxx day~~

D. Eileen Perry

Sworn to before me this 24th day of September 19 87

Harold A. Mann

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 30, 19.....

Notary Public, Erie County, N.Y.

#3

State of New York

ERIE COUNTY
CITY OF BUFFALO

NOTICE TO BIDDERS
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Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of the Mafalda Drive Storm Drain Project". Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

The right to reject any and all bids, to waive any formalities in, or to make an award to other than the low bidder should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are hereby reserved.

each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidder is further called to Section 2404 of the Public Authorities Law, which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246, THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.

The work shall be completed within 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of:
 RICHARD M. MOLESKI
 Town Clerk
 Town of Cheektowaga
 Dated: September 21, 1987

I, D. Eileen Perry
 of the City of Buffalo, New York, being duly sworn, deposes that ^s he is Principal Clerk
 of BUFFALO EVENING NEWS, INC., Publisher of BUFFALO NEWS, a newspaper published in said
 City of Buffalo, New York, at the notice of which the annexed printed slip taken
 from said newspaper is a copy, was inserted and published
once ~~times~~ per week ~~times~~ for ~~times~~ the
24th day of September
 1987 and the last insertion being on the 24th day

D. Eileen Perry

sworn to before me this 24th day of September, 1987

Harold A. Mann

HAROLD A. MANN
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires November 30, 19....

Notary Public, Erie County, N.Y.

Item No. 6b Motion by Councilman Kowal, Seconded by Councilman Gabryszak

WHEREAS, existing underground fuel storage and dispensing facilities at the Town highway garage are in need of upgrading and modification so as to complement efficient department operations, and

WHEREAS, environmental regulations in effect, require that actions be taken to make modifications and correct deficiencies in the existing fuel storage and dispensing facilities, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is hereby directed to publish a Notice to Bidders for the modification of underground fuel storage and dispensing facilities at the highway garage, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed proposals will be received by the Town of Cheektowaga on October 7, 1987 at 11:00 A.M., Local Time, at the Town Hall Council Chambers, at which time and place they will be publicly opened and read aloud.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on Wednesday, October 7, 1987 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the modification of underground fuel storage and dispensing facilities at the Town Highway Garage, 3145 Union Road, Cheektowaga, New York.

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a performance bond acceptable to the owner, in an amount equal to the contract award.

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

RICHARD M. MOLESKI
Town Clerk

Dated: September 21, 1987

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justine Dombik....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... SEP 24 1987 ;
last publication..... SEP 24 1987 ;
and that no more than six days intervened be-
tween publications.

Justine Dombik.....

Sworn to before me this 25
day of September , 19 87

Eve J. Allis.....

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1989

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on Wednesday, October 7, 1987 at 11:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Road, for the modification of underground fuel storage and dispensing facilities at the Town highway garage, 3145 Union Road, Cheektowaga, New York.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said 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 contract documents, 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 and all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a performance bond acceptable to the owner, in an amount equal to the contract award.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

RICHARD M. MOLESKI

Town Clerk

DATED: September 21, 1987

PUBLISH: September 24, 1987

FILED
Notary Public State of New York
Qualified in Erie County
APPROVED FOR FILING
SEP 24 1987

MEETING NO. 21
September 21, 1987

Item No. 6c Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board authorized the preparation of plans and specifications to undertake sewer remedial projects in five (5) locations in Sanitary Sewer District #5 and three (3) locations in Sanitary Sewer District #7 in order to alleviate conditions during storm water periods, and

WHEREAS, plans and specifications have been completed, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Various Sanitary Sewer Connections in Sanitary Sewer Districts #5 and #7, notices to be published in the CHEEKTOWAGA TIMES and the BUFFALO NEWS, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 7th day of October, 1987 at 11:00 A.M., Local Time, at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

* * * * *

VARIOUS SEWER PROJECTS FOR
SANITARY SEWER DISTRICTS NO. 5 AND 7
TOWN OF CHEKETOWAGA, ERIE COUNTY, NEW YORK

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 7th day of October, 1987 at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York for furnishing all labor, materials, tools, equipment and incidentals required for the construction of Various Sanitary Sewer Connections in Sanitary Sewer Districts No. 5 and No. 7, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of Various Sewer Connections Project".

Any bid not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period.

Item No. 6c cont'd

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

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The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 270 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI
Town Clerk

DATED: September 21, 1987

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Justin DeBik, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... Clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... SEP 24 1987 ;
last publication..... SEP 24 1987 ;
and that no more than six days intervened be-
tween publications.

Justin DeBik

Sworn to before me this *25*
September
day of, 19*87*...

Eve J. Allis

Notary public in and for Erie County, N. Y.

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1989

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The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into this project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 270 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

BY ORDER OF:

RICHARD M. MOLESKI

Town Clerk

Town of Cheektowaga

DATED: September 21, 1987

PUBLISH: September 24, 1987

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 31, 1988

#4

State of New York

ERIE COUNTY
CITY OF BUFFALO

from payment for sales and compensating use taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project pursuant to the provisions of the contract. THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.

The work shall be completed within 270 consecutive calendar days to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of
RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga
Dated: September 21, 1987

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that s he is Principal Clerk

of the BUFFALO EVENING NEWS, INC., Publisher of THE BUFFALO NEWS, a newspaper published in said

city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published

therein once ~~once~~ ~~week for xxxxxxxxxxxx weeks~~ the

~~first~~ insertion being on the 24th day of September

19 87 ~~and the last insertion being on the xxxxxxxx day~~

~~of xxxxxxxxxxxx 19xxxx~~
D. Eileen Perry

Sworn to before me this 24th day
of September 1987

Harold A Mann
Notary Public, Erie County, N.Y.

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
Commission Expires November 30, 1988

#4

State of New York

ERIE COUNTY CITY OF BUFFALO

VARIOUS SEWER PROJECTS FOR SANITARY SEWER DISTRICTS NO. 5 AND 7 TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 7th day of October, 1987, at 11:00 A.M. Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of Various Sanitary Sewer Connections in Sanitary Sewer Districts No. 5 and No. 7, complete in place, tested and ready for use. In accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project. Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders, may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York. The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of Various Sewer Connections Project".

Any bid not delivered in person shall be mailed to the Office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

and Specifications in good condition within thirty (30) days following the award of the contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable. No refund will be made for documents received after this 30-day period. The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are hereby reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidders is further called to Section 2504 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and consumption taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. THESE TAXES ARE NOT TO BE INCLUDED IN THE BID.

The work shall be completed within 270 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of:
RICHARD M. MOLESKI
Town Clerk
Dated: September 21, 1987

D. Eileen Perry
Principal Clerk
says that she is
the BUFFALO EVENING NEWS, INC., Publisher of
the BUFFALO NEWS, a newspaper published in said
that the notice of which the annexed printed slip taken
in said newspaper is a copy, was inserted and published
in _____ once _____ week for _____ weeks, the
insertion being on the 24th day of September
87 _____ and the last insertion being on the _____ day

D. Eileen Perry

worn to before me this _____ day
September _____

Harold A. Mann
Notary Public, Erie County, N.Y.

HAROLD A. MANN
Notary Public, State of New York
Qualified in Erie County
Commission Expires November 30, 1988

MEETING NO. 21
September 21, 1987

Item No. 7a Motion by Councilman Santa Maria, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on July 17, 1987, rendered the determinations shown on the attached memo dated July 29, 1987, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations made by the Advisory Committee with respect to the following referenced items which appear on the July 29, 1987 memo attached hereto:

Item III	2343 Union Road
Item VI	Proposed Town Storm Projects

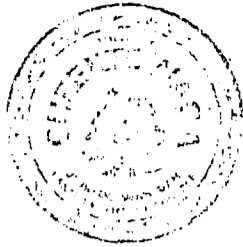
* See next five (5) pages for memo

Upon Roll Call....

AYES:	Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz, Kowal, Gabryszak and Santa Maria
NAYES:	0
ABSENT:	0

Office of
BUILDING and PLUMBING INSPECTIONS

RONALD MARTEN
Building and Plumbing Inspector



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
686-3470

M E M O

TO: Supervisor Daniel Weber
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adameczak
Assistant Building Inspector

DATE: July 29, 1987

RECEIVED

SEP 8 1987

TOWN ATTORNEY

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on July 17, 1987, in the Town Hall Council Chambers.

ITEM I 2256 Clinton Street - Proposed Rebuilding Of
McDonald's Restaurant

Applicant: David Wendel

Determination: Tabled - In reviewing the site plan of the proposed project, it was noted that a number of proposals would be violations of the Zoning Ordinance. There is too small a front yard and the applicant had indicated he will apply for a variance for this item. The plan indicated a curb cut to the present plaza driveway which will eliminate the need for plaza traffic to move onto Clinton Street when patronizing the McDonald's Restaurant. The original plan showed 2 driveways to Clinton. One driveway would be designated as an entrance with the second being designated as an exit. It was suggested to the applicant that a "wraparound" be installed in front of the restaurant, this will eliminate one driveway closest to the plaza entrance. Landscaping would not meet ordinance regulations, the applicant will submit a site plan to the Planning Board for review. It was also suggested they approach the Traffic Safety Commission for their recommendations. A new site plan must be submitted with any changes that may be recommended by either the Planning Board or Traffic Safety Commission.

ITEM II Thruway Mall - Proposed Go-Cart Track

Applicant: Ferarro Enterprises

Determination: Non-Significant - This item had been before the Committee previously and there were found to be two problems. The first involved the New York State Building Code which required a 50 ft. clear area access to the existing skating rink. The applicant has since moved the site of the track and has provided this 50 ft. clear area. The second problem dealt with the Town's Recreational Vehicle Ordinance which limited the hours of operation. The applicant's attorney is pursuing this matter with the Town Board to amend or vary the ordinance for the applicant. The new plan showed a chain link fence with guard rail at the West side of the site which abutts the perimeter road of the Thruway Mall. It was stipulated by this Committee that the guard rail be installed in this location and that public viewing be prohibited along the West side. The Committee also restated their position that the vehicles to be used on the track were to be of the type demonstrated which in this case was a Honda 5 Horsepower Go-Cart.

ITEM III 2343 Union Road - Proposed Addition To Korey Sales & Service

Applicant: Ross & Fred Korhummel

Determination: Non-Significant - The applicant proposes to construct a 50 X 115 building for additional storage of coffee and coffee machines. The area is properly zoned and there are a number of different businesses in the area. Parking would be needed for employees and only the occasional visitor. The original site plan showed parking directly in front of the existing building which would necessitate backing into the Union Road traffic. The applicant was told to remove this parking and replace it with, at his option, one spot parallel with Union Road. The landscaping does not meet ordinance requirements and it was suggested he go before the Planning Board to seek relief. The plan indicated an overhead door would be opening onto the private road which abutts this property. The applicant was told that he must have an agreement with the owner of this road in order to utilize it for loading and unloading. A new site plan is to be submitted based on Planning Board recommendations.

ITEM IV 2727 William Street - Mr. K's Foods - Proposed.
Change To Parking Layout

Applicant: Mr. Korobellis

Determination: Withdrawn by applicant.
Mr. Korobellis had indicated to the Committee that he wished to install visitor as well as delivery parking along the West side of the property. In a discussion that followed he was told that the residents of Laura Court were happier with no vehicle parking on that side and it was strongly suggested he find an alternative location for his parking at which point he elected to withdraw the application.

ITEM V Town of Cheektowaga - Proposed Amendment To Town
Flood Damage Prevention Ordinance

Applicant: Town of Cheektowaga

Determination: Non-Significant - Recent national and state amendments to flood damage laws has suggested abandoning present ordinances and adopting the new model provisions. The Town Engineer indicated that this must be done to maintain the underwriting of flood insurance within the Town. Non-adoption or non-amending of the present ordinance will jeopardize all such funding.

ITEM VI Town of Cheektowaga - Proposed Storm Projects

Applicant: Town of Cheektowaga Engineering Department

Determination: Non-Significant - The projects are the Mapleview and Commodore, Huth Road, Vale Project Phase II, Peinkofer Drive, Mafalda/Fontaine storm sewer projects. These locations have been the scene of flooding and some flood damage on a number of occasions. They either now lack a full storm sewer system or have insufficient or poorly designed systems in place. These projects will increase the capacity of underground storm retention as well as more quickly remove storm water from the area before it causes damage to resident's property.

ITEM VII 4195 Genesee Street - Proposed Rezoning & Special Permit For Used Car Sales

Applicant: Telco Construction

Determination: Tabled - The Committee reviewed the site plan of the applicant and found a number of problems inherent in the design and is requesting the applicant submit a new site plan indicating customer and display parking, handicap spaces and better on-site vehicle movement.

ITEM VIII 3126 Genesee Street - Conversion Of A Garage Into Proposed Office Warehouse

Applicant: Carlo Madonia

Determination: Tabled - The Committee is requesting that the applicant submit a letter indicating the exact description of the business and on a site plan delineating customer parking and the number of spaces available.

ITEM IX Genesee & Case Way - Proposed Rezoning From M1 to CM For Monroe Tractor & Implement Company

Applicant: Monroe Tractor & Implement Company

Determination: Non-Significant - Part of the property is at present zoned General Commercial. The balance of property to the South is zoned M1. The applicant has indicated on his plan a future building to the South of this property. He at this point does not have a schedule for construction, which may be several years in the future. A detention basin will be constructed at the South to handle storm waters on this property to prevent waters from flowing to the residential homes behind. The applicant had indicated that he may seek abandonment of Case Way by the Town but has not yet contacted the Law Office. The concept is consistent with the uses now in the area, that being mobile home sales, recreational vehicle sales, and mobile home parks. Displayed will be various types of construction equipment. The applicant does indicate that there will be demonstration of the equipment as well as repairing and servicing the same.

MEETING NO. 21
September 21, 1987

Item No. 7b Motion by Councilman Santa Maria, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Advisory Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on August 21, 1987, rendered the determinations shown on the attached memo dated August 31 1987, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations made by the Advisory Committee with respect to the following referenced items which appear on the August 31, 1987 memo attached hereto:

Item I	2265 Clinton Street
Item III	3015 Genesee Street

* See next four (4) pages for memo

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Office of
BUILDING and PLUMBING INSPECTIONS

RONALD MARTEN
Building and Plumbing Inspector



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
686-3470

M E M O

RECEIVED
SEP 4 1987
TOWN ATTORNEY

TO: Supervisor Daniel Weber
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Assistant Building Inspector

DATE: August 31, 1987

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on August 21, 1987, in the Town Hall Council Chambers.

✓ ITEM I 2265 Clinton Street - Rebuilding of McDonald's Restaurant

Applicant: David Wendel

Determination: Non-Significant - This item had been before the Committee previously and had been tabled at that time for the developer to submit a revised site plan. This revised site plan would show a "wraparound" driveway to be located at the front of the restaurant this would allow for better traffic flow on-site and eliminate the need for vehicles to enter Clinton Street to get into the Drive-Thru lane. This was needed because traffic would be able to enter the property from the plaza itself. The developer must submit a letter from the NYSDOT allowing this "wraparound" to be constructed totally within the Clinton Street Right-of-Way. They must also approach the Town Zoning Board for variances regarding set backs on the building.

RE: EQRA - August 21,
August 31, 1987
Page 2

ITEM II 3814 Union Road - Special Permit For Auto &
Small Truck Transmission
Repair

Applicant: Atlas Auto Glass

Determination: The premises had previously been occupied by Atlas Auto Glass approximately two years ago who has since moved to the property known as 3820 Union Road. Since then the building had been used for retail sales. The applicant, American Transmission, is a specialized auto and small truck repair facility. The area surrounding 3814 Union Road is composed of retail sales, restaurants, and auto repair garages. This type of use would not be inconsistent with surrounding uses so long as a restriction was placed that would limit the business to automobile and small truck transmission work. This item had been presented to the Town Planning Board and they have recommended some landscaping be placed in the front of the property.

✓ ITEM III 3015 Genesee Street - Proposed Addition Of 3400
Sq. Ft. For Retail Sales

Applicant: Bella Vista Management Inc.

Determination: The site is at the corner of Genesee and Andres. It is presently occupied by the Pine Ridge Florist and was formerly a delicatessen. The applicant wishes to build this addition for either additional retail space for Pine Ridge Florist or for a new retail outlet or office. The use conforms to the existing uses along that stretch of Genesee. The Committee found this proposal non-significant provided the following is incorporated in the plans:

RE: EQRA - August 21, 1987
August 31, 1987
Page 4

Determination: Tabled - This item is a Type I action per Town of Cheektowaga Environmental Impact Ordinance and New York State SEQR Regulations. A number of replies have been received both for and against the proposal. The proponents have said that senior citizen housing is needed for this Town whereas the opponents have outlined a number of items of concern. The opponents have indicated that the original proposal of 220-240 dwelling units was "overbuilding" for the parcel. That traffic would be increased greatly along secondary roads and side streets; that heavy traffic would occur in the vicinity of the Town Park and Town Park swimming pool where numerous children walk daily especially in summer; the loss of what is now considered by many to be Park land. The original plan does not conform to Zoning Ordinance requirements for senior citizen housing. It also does not indicate how tenant/visitor parking would be prohibited in the Recreation Center parking lot. Since recent developments appear to have changed the whole complexion of the project with the regard to the amount of property available for building and/or sale by the School Board, the Committee will table this item until a revised plan is submitted at a later date.

TA:jd

MEETING NO. 21
September 21, 1987

Item No. 8a Motion by Councilman Johnson, seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board (EMS Board"); and

WHEREAS, the EMS Board has completed a review and evaluation of new and replacement license application(s) submitted for ambulance(s), and has recommended that the Town Board license such ambulance(s), and

WHEREAS, the Town Board, pursuant to Section A-5 of the Ambulance Ordinance desires to license such ambulance(s); NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the Emergency Medical Services Board concerning the licensing of such ambulance(s) be and hereby are accepted and approved; and BE IT FURTHER

RESOLVED that the application(s) for ambulance license(s) set forth on the attached page are hereby approved for licensing by this Town Board: and, BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized, directed and empowered to issue ambulance license(s) to the applicant(s) set forth on the attached page.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

AMBULANCE VEHICLE LICENSES (S)

<u>COMPANY</u>	<u>MAKE</u>	<u>YEAR</u>	<u>LICENSE NUMBER</u>	<u>CALL NO.</u>
TOWN'S AMBULANCE	Ford	1981	AA 1233	569
TOWN'S AMBULANCE	Chev.	1986	AA 1232	563 *
GOLD CROSS	Ford	1983	1790 AA	577 *

*Denotes Replacement vehicle

MEETING NO. 21
September 21, 1987

Item No. 8b Motion by Councilman Johnson, seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board (EMS Board), and

WHEREAS, the EMS Board has completed a review and evaluation of the license renewal applications for driver(s)/attendant(s), and has recommended that the Town Board renew such licenses, and

WHEREAS, this Town Board desires to renew such driver(s)/attendant(s) licenses, NOW, THEREFORE, BE IT

RESOLVED that the recommendations of EMS Board concerning the renewal of the licenses for driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the renewal application(s) for driver(s)/attendant(s) set forth on the annexed schedule be and hereby are approved for a period to expire upon the expiration of such driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized, empowered and directed to issue renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria

NAYES: 0

ABSENT: 0

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDANT LICENSE

RENEWAL

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Walters, Christian M.		,Angola,14006 Gold	5/31/88
Badgley, Roger F.		,Wmsvl.14221 Town	12/31/89

MEETING NO. 21
September 21, 1987

Item No. 8c Motion by Councilman Johnson, seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance which, among other things, provides for the licensing of all ambulances and drivers/attendants operating in the Town of Cheektowaga, and for the creation of an Emergency Medical Services Board ("EMS BOARD"), and

WHEREAS, the EMS Board has completed an initial review and evaluation of the various license application(s) submitted for driver(s)/attendant(s), driver(s)/attendant(s), and Board license such driver(s)/attendant(s), and

WHEREAS, this Town Board desires to license such driver(s)/attendant(s), NOW, THEREFORE, BE IT

RESOLVED that the recommendations of the EMS Board concerning the licensing of driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, and BE IT FURTHER

RESOLVED that the applicant(s) for driver(s)/attendant(s) license(s) set forth on the annexed schedule are hereby approved for licensing by this Town Board for a period to expire upon the expiration of such driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized, empowered and directed to issue driver(s)/attendant(s) license(s) to the applicant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Schieve, Donald L.	, Kenmore, 14223	Gold	5/31/89
Rice, Rebecca J.	Lackwn. 14218	Gold	5/31/90
Graziano, Samuel	, Cktw. 14227	Town	5/31/90
Howell, Cleveland P.	Bflo. 14215	Gold	5/31/90
Ross, Kevin C.	, Bflo, 14214	Gold	5/31/90

MEETING NO. 21
September 21, 1987

Item No. 9a Motion by Councilman Rogowski, Seconded by Councilman Kowal

WHEREAS, the Cheektowaga Youth Bureau is desirous of conducting an expanded program for developmentally disabled youngsters, and

WHEREAS, the New York State Office of Mental Retardation and Developmental Disabilities will reimburse the Youth Bureau for said expanded program, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is directed to sign an Agreement with the New York State Office of Mental Retardation and Developmental Disabilities.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Councilman Rogowski, Seconded by Councilman Kowal

WHEREAS, the Cheektowaga Youth Bureau is desirous of sponsoring a weekend camp experience for thirty developmentally disabled youngsters, and

WHEREAS, the Camp Fire Council of Buffalo and Erie County, Inc. is willing to permit us to utilize Camp Aloha February 26, 1988 through February 28, 1988, at a sum not to exceed \$240.00, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Agreement with Camp Fire Council of Buffalo and Erie County, Inc. for the rental of the aforementioned campground facilities.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 9c Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, plans and specifications for the Mafalda Drive Storm Drain Project have been completed by Nussbaumer & Clarke, Inc., and

WHEREAS, there is need for the securing of additional professional services, including stake-out and general services during construction, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated September 11, 1987 for the provision of professional services related to construction work associated with the Mafalda Drive Storm Drain Project, be and hereby is approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc. for the Mafalda Drive Storm Drain Project, and BE IT FURTHER

RESOLVED that the cost for said professional services in the amount of \$8,900.00 be and hereby is charged to the Mafalda Drive Storm Drain Project, Capital Project #701.

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Item No. 9c cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Jaworowicz, Seconded by Councilman Santa Maria

WHEREAS, the Cheektowaga Vice, Gambling & Narcotics Squad operates the Cheektowaga 21 Enforcement Project, and

WHEREAS, as part of such project, youths under the age of 21 years are used to ensure that establishments which serve alcoholic beverages do not serve or sell such alcoholic beverages to persons under 21 years of age, and

WHEREAS, it is necessary for the Cheektowaga Police Department to engage the services of youths under 21 years old to run the Cheektowaga 21 Enforcement Project, NOW, THEREFORE, BE IT

RESOLVED that the Chief of Police be and hereby is authorized to engage the services of whatever youths he deems necessary to run the Cheektowaga 21 Enforcement Project, and BE IT FURTHER

RESOLVED that the names of such youths shall be kept confidential to ensure the effectiveness of such project.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Johnson, Seconded by Councilman Kowal

WHEREAS, the Calspan Corporation donated, and the Town accepted, the land necessary to connect the northerly terminis of Dean Road with that of Hyland Avenue, and

WHEREAS, the aforesaid proposed connecting roadway is beneficial to the Town as a whole and area residents in particular, inasmuch as access of emergency vehicles, school buses, refuse pick-up and snow plowing would be facilitated, and

WHEREAS, the real property transfer agreement entered into by the Town and Calspan provided, among other things, that the Town was to erect a fence "along the outside of the curve of the Dean Road-Hyland Avenue connecting roadway", and

WHEREAS, Expert Fence Company, Inc. was to erect the aforesaid fence in accordance with certain fence specifications mandated by Calspan, and

WHEREAS, a fence was erected, but, as is shown on a survey prepared by Nussbaumer & Clarke, Inc. not in the proper location, and

WHEREAS, Expert Fence Company, Inc. maintains that it installed the fence properly and as directed; but will move the fence to another location, provided the Town "splits the total cost of moving the fence", NOW, THEREFORE, BE IT

RESOLVED that the Town hereby agrees to split the total cost of moving the fence along the outside of the curve of the Dean Road-Hyland Avenue connecting roadway with Expert Fence Company, Inc., such cost not to exceed \$1,925.00, and BE IT FURTHER

RESOLVED that the Office of the Town Engineer supervise the installation of the aforesaid fence.

Item No. 11 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Kowal, Seconded by Councilman Rogowski

WHEREAS, this Town Board awarded a contract for the reconstruction of Pfohl Road to Northeast Diversification, Inc., and

WHEREAS, it was necessary to reconstruct the drainage system at the east end of Pfohl Road Project in proximity to a National Fuel pressure gas main, and

WHEREAS, an agreement was reached with National Fuel for said National Fuel to reimburse the town for costs associated with the reconstruction of a drainage system rather than to relocate said gas main, and

WHEREAS, National Fuel has paid the Town funds sufficient to cover the cost of this drainage change, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves Change Order #2 at an additional cost of \$8,166.20 as an addition to the contract of Northeast Diversification, Inc., and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to sign said Change Order #2 on behalf of this Town Board.

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.
William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Motion by Councilman Johnson, Seconded by Supervisor Weber to dispense with the reading of the names of Items 13A and 13B.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilman Rogowski, Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals employed in the Facilities Department be and hereby are terminated as follows:

<u>Parks Division - #01-007110-1-0-1491-001</u>	<u>Effective</u>
Leonard Glowacki	10/6/87
Laurence Williams	10/5/87
Joseph Wolf	Immediately
Glen Bolognese	Immediately
James Doyle	Immediately
Doug Mol	Immediately

Item No. 13a cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Rogowski, Seconded by Councilman Kowal

BE IT RESOLVED that the following individuals be terminated from the Cheektowaga Conservation Corps program effective immediately:

Trainee Supervisors (7310.1811)

Tim Dusza
James Hornung
Alan Miano
Larry Osswald

Program Assistant (7310.1812)

Brian Mikler

Youth Leaders (7310.1812)

Shawn Dibble
Kelly Ejnik
Peggy Hellenbach
Christopher Kowalewski
Richard Musielak, Jr.

Summer Trainees (7310.1812)

David Marchitte
Mike Wojtkowiak
Kevin Fox
Darren Juskiewicz
Kim Fronckowiak
Mike Ostempowski
Jeff Denecke
Thomas Barczykowski
Daniel Sisti
William Levy
Steven Wass
Michael Mastrangelo
Robert Bernal
Jeff Mazurek
Scott Rucki
Kimberly Obringer
Kevin Glewa
Keith Gawronski
Joe Leonarczyk
Paul Dzaja
Scott Klein
Jeff Kowalewski
Kim Okonczak
Charles Off
Scott Homac
Jeff Stefoniak
Glenn Osswald
Brian Golas
Craig Piotrowski
John Budzynski
David Kandefer
James Kowalski
David Kuerzdoerfer
Mark Leonard Syzdek

Item No. 13b cont'd

William Yetman
Bruce Bradford
Mack Mariani
Thomas Sansone
Lorraine Jones
April Amadore
Peter Zglinicki
Steven Luksch
Mark Jezioro
Martin Sypniewski
John Betker
Michael Lucarelli
Christian Ozolins
Steven Hunneshagen
Andy Tokasz
Michael Judkiewicz
Tammy Bochinski
Terrance Buchwald
Mark Stolinski
Kevin Wisniewski
Suzanne Kusmierczyk

and BE IT FURTHER

RESOLVED that Dorene Zak be terminated from the Adapted Recreation Program (7310.1803) effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Santa Maria, Seconded by Councilman Johnson

WHEREAS, the term of Robert H. Winklhofer as a member of the Board of Assessment Review of the Town of Cheektowaga will expire on September 30, 1987, and

WHEREAS, Robert H. Winklhofer has performed his duties as a member of the Board of Assessment Review in an exemplary manner, and

WHEREAS, this Board is desirous of retaining Robert H. Winklhofer as a member of the Board of Assessment Review, NOW, THEREFORE, BE IT

RESOLVED that Robert H. Winklhofer of Cheektowaga, New York 14225 be and hereby is reappointed as a member of the Board of Assessment Review of the Town of Cheektowaga for a term ending September 30, 1992.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Gabryszak, Seconded by Councilman Kowal

WHEREAS, a vacancy exists in the Town of Cheektowaga Department of Sanitation for the position of Laborer, and

WHEREAS, this vacancy has been properly posted in accordance with the bargaining agreement between the Town of Cheektowaga and the Cheektowaga Employees Association, and

WHEREAS, Timothy Shaw, _____, Cheektowaga, New York, who was serving as a Mechanics Helper in the Highway Department, NOW, THEREFORE, BE IT

Item No. 15 cont'd

RESOLVED that Timothy Shaw, having properly bid on the above mentioned vacancy, be and hereby is appointed to the position of Laborer in the Sanitation Department, at a salary in accordance with the bargaining agreement between the Town of Cheektowaga and the Cheektowaga Employees Association; said appointment retroactive from September 7, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Rogowski, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1987 summer program:

<u>Parks Division - #01-007110-1-0-1491-001 - \$3.35 per hour</u>	<u>Effective</u>
Randy Palmisano	9/19/87
Steve Rutkowski	9/25/87
Henry Wawro	9/21/87
Michael Maciag	9/21/87
Matthew Igla	9/21/87

Street Lighting Division - #02-905182-1-0-1492-001 - \$3.35 per hour

Leonard Stachowiak	9/21/87
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Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 16b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or Part-Time Employees in the Department(s) listed:

	<u>EFFECTIVE</u>
Jeanette F. McGuire	9/10/87

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17 a Motion by Councilman Jaworowicz, Seconded by Councilman Santa Maria

WHEREAS, the New York State Forest Rangers are sponsoring a Mounted Police Seminar on October 2nd and 3rd, 1987 at the Oneida County Fire Training Complex in Oriskany, New York, and

WHEREAS, as part of such seminar, mounted police officers will be trained in search and rescue techniques and obstacle training, and

WHEREAS, the Chief of Police has requested permission for three of his officers from the Town's mounted patrol to attend this seminar, and

WHEREAS, there is no cost for such seminar, NOW, THEREFORE, BE IT

Item No. 17a cont'd

RESOLVED that the following police officers be and hereby are authorized to attend the aforementioned Mounted Police Seminar:

Thomas Wentland
Carol Hendel
Daniel Kean

and BE IT FURTHER

RESOLVED that such officers shall be authorized to use Police Vehicle number 40 to tow the horse trailer to such seminar, and BE IT FURTHER

RESOLVED that the Town shall reimburse such police officers for the costs of their lodging while at such seminar.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Gabryszak, Seconded by Councilman Kowal

WHEREAS, the New York State Association for Solid Waste Management will be holding a seminar on solid waste in the Thousand Islands, New York on September 28 & 29, 1987, and

WHEREAS, Ronald C. Zoeller, General Foreman of the Sanitation Department, has requested permission to attend such seminar, NOW, THEREFORE, BE IT

RESOLVED that Ronald C. Zoeller be and hereby is authorized to attend the aforementioned seminar and to use a Town vehicle to travel to and from such seminar, and BE IT FURTHER

RESOLVED that Ronald C. Zoeller shall be reimbursed for his registration fee and for all reasonable expenses associated with his attendance at such seminar.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Kowal, Seconded by Councilman Gabryszak

WHEREAS, John R. Harrison, an employee in the Central Garage Department has applied for a Military Leave of Absence retroactive for October 14, 1987 through October 16, 1987 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 (6) months, and

WHEREAS, said Section 242 of the Military Law also provided 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 R. Harrison, an employee in the Central Garage is granted a military leave of absence retroactive for October 14, 1987 through October 16, 1987 and BE IT FURTHER

RESOLVED that John R. Harrison, be paid his salary or other compensation while on such military leave.

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Item No. 18 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Weber, Seconded by Councilman Rogowski

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM: 1450.4211 (Elections-Electricity) \$ 600.00
TO: 1450.4431 (Elections-Equipment Repairs) \$ 600.00

SPECIAL DISTRICT FUND

FROM: 599.00 (Appropriated Fund Balance-Lighting) \$40,000.00
548135.1492 (Pl. #5-Seasonal Laborers) \$15,000.00
TO: 905182.4432 (Lighting-Repairs & Maintenance) \$40,000.00
508125.1492 (SD #5-Seasonal Laborers) \$15,000.00

GENERAL FUND

FROM: 9010.8181 (Employee Benefits-Retirement) \$ 2,500.00
TO: 1410.2201 (Town Clerk-Office Equipment) \$ 2,500.00

Funds for this action are available from the source as stated in the resolution and have been approved by the Bookkeeper to the Supervisor.

William L. Wielinski.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Weber, Seconded by Councilman Rogowski

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to September 21, 1987 are hereby approved and made a part hereof.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$1,970,329.03
SPECIAL DISTRICT FUND	1,491,198.41
HIGHWAY FUND	452,267.40
FEDERAL REVENUE SHARING FUND	29,527.16
CAPITAL FUND	270,034.50
TRUST & AGENCY FUND	437,959.97
HUD-CDBG FUND	21,642.71
HUD REHABILITATION FUND	15,139.00
PART TOWN FUND	21,925.49
DEBT SERVICE FUND	226,380.00
	<u>\$4,936,403.67</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Items 21 through 24 were acted upon at the beginning of the meeting.
See pages 1-9.

III. GENERAL COMMUNICATIONS

Item No. 25 E.C. Department of Public Works - Designation of Restricted Highway -
portion of Cayuga Road
Copies were sent to: Daniel E. Weber, Supervisor; Cheektowaga Town
Board, Cheektowaga Traffic Safety Commission; Alfred Wnek, Highway
Superintendent; Robert Lis, Chief of Police
Received and Filed.

Item No. 26a Notice of Claim - Barbara King vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Joseph J. Naples, Insurance Carrier; Alfred
Wnek, Highway Superintendent.
Received and Filed

Item No. 26b Notice of Claim - N.Y.S. Electric and Gas vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Joseph J. Naples, Insurance Carrier; Alfred
Wnek, Highway Superintendent.
Received and Filed.

Item No. 26c Notice of Claim - Raymond Sisson vs Town of Cheektowaga
Copies were sent to: Daniel E. Weber, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Laverack & Haines, Insurance Carrier; Chester
Bryan, Town Engineer; Alfred F. Wnek, Highway Superintendent.
Received and Filed.

Item No. 27 Notice of Petition (Assessment) - ITT Corp vs Town Assessor and
Board of Assessment Review
Copies were sent to: Cheektowaga Town Board; James Kirisits, Town
Attorney; Casey Kozminski, Town Assessor.
Received and Filed.

Item No. 28a Letter from residents on Kilbourne Road regarding flooding in area
Copies were sent to: Cheektowaga Town Board; Chester Bryan, Town
Engineer
Received and Filed.

Item No. 28b Letter from resident regarding flooding on 154 Prince Drive
Copies were sent to: Cheektowaga Town Board; Chester Bryan, Town
Engineer
Received and Filed.

Item No. 28c Letter from resident regarding intersection of Ellwood and
Cedargrove
Received and Filed.

Item No. 28d Letter from resident regarding drainage ditch behind home
Copies were sent to Cheektowaga Town Board
Received and Filed.

IV. SUSPENSION OF RULES

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

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Rogowsk, Seconded by Councilman Santa Maria

WHEREAS, Cheektowaga Central School Disrict is the owner of the
Alexander Street Middle School building located at 275 Alexander Avenue in the Town
of Cheektowaga, and

WHEREAS, the Board of Trustees of such school district has placed
such building and property up for sale, and

WHEREAS, this Town Board and various Town department heads are
investigating the possibility of purchasing such building for Town use, and

WHEREAS, the Town needs more time and information concerning the
Alexander Street Middle School before it can make any determination with respect to
the Town's interest in such property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests that the Board of
Trustees of the Cheektowaga Central School District not enter into any agreements,
contracts, etc. concerning the Alexander Street Middle School until at least
October 13, 1987 in order that this Town Board can study and evaluate the following
and other concerns:

1. Valuation/appraised value of the property;
2. Sources/availability of funding;
3. Adaptability of building to Town Department needs and
public uses;
4. Building's compliance with safety and building codes; and
5. Legal constraints/procedures on purchasing school district
property.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Supervisor Weber, Seconded by Councilman Jaworowicz

WHEREAS, Assistant Plumbing Inspector Loris L. Durfee has filed for
retirement effective September 27, 1987, and

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Item No. 30 cont'd

WHEREAS, the County of Erie, Department of Personnel has advised that there is no current list of eligibles for the position of Assistant Plumbing Inspector, NOW, THEREFORE, BE IT

RESOLVED that Joseph A. Piccione of , Cheektowaga, New York be appointed "Provisional Assistant Plumbing Inspector" at a salary in accordance with the Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employee's Association, said provisional appointment to be effective September 22, 1987.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Johnson, W.P. Rogowski, Jaworowicz,
Kowal, Gabryszak and Santa Maria
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Supervisor Weber, Seconded by Councilman Kowal
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk