

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 5th day of July, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II, also Planning Board Chairman; Chester Bryan, Town Engineer; Don Wegner, Zoning Board Chairman; Al Lonczak, Deputy Highway Superintendent; Ron Marten, Building and Plumbing Inspector; Robert Lis, Chief of Police; Ralph Majchrowicz, Supervising Account; Ken Kopacz, Executive Director of Youth Bureau.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting Regulations Pertaining to Neighborhood Block Parties, etc. of 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 regulations being as follows:

* * * * *

REGULATIONS PERTAINING TO

NEIGHBORHOOD BLOCK PARTIES, ETC.

1. Permit Required. The holding of Neighborhood block parties or celebrations or events on Town streets shall be prohibited unless a valid permit therefor is obtained from the Town Superintendent of Highways.
2. Application. Application for the temporary closing of Town streets shall be made to the Town Superintendent of Highways at least one (1) week in advance of the date such temporary street closing is requested.
3. Consent of Residents. No permit for the temporary closing of a Town street shall be issued unless 75% of the residents along that portion of street to be closed consent thereto.
4. Limitations. a. No more than one (1) permit per year shall be issued for the temporary closing of any given portion of a street.
b. No permit shall be issued for streets along the perimeter of parks on days of special events, concerts, parades, etc.

Item No. 2 cont'd

c. Permits may only be issued during the months of June, July and August.

d. Streets may not be closed prior to sunrise or after sunset.

e. One-half of the width of the paved portion of the street must remain open and free of obstructions in order that emergency vehicles are allowed access.

f. The applicant must erect barricades, warning signs, etc. acceptable to the Town Superintendent of Highways at the ends of the street closed to traffic.

g. The applicant shall be responsible for cleaning the street after the event is over.

5. Notification of Police Department. The Town Superintendent of Highways shall notify the Chief of Police at least 48 hours prior to the temporary closing of any Town street.

6. Other Laws Applicable. The issuance of any permit hereunder does not constitute a waiver or variance to any State or Town laws (i.e. noise, criminal nuisance).

* * * * *

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

Item No. 3

This being the time and place advertised for a public hearing to consider the advisability of adopting Local Law No. 1 of the Year 1989 entitled "A Local Law known as Residence Law" of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said Local Law being as follows:

* * * * *

Town of Cheektowaga

Local Law No. 1 of the Year 1988

A Local law

- (1) stating that every employee of the Town of Cheektowaga shall, as a qualification for employment, be and remain a resident of the Town of Cheektowaga
- (2) stating that those persons who cease to be a Town resident shall forfeit their right of continued employment with the Town

* * * * *

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. 4a Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, David J. Wybieracki, agent for Benderson Development Co., Inc. applied for a Special Permit for a mobile home park on property located adjacent to the NYS Thruway on the south side of Broadway east of Kennedy Road, 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 June, 1988 at 6:30 o'clock P.M. of said day for the purpose of considering said application 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 introduction of a commercial use in a manufacturing district would be incompatible with the surrounding development and uses and would constitute spot zoning, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that said Special Permit be and hereby is denied for the above mentioned reason.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz to table the above item.

*THE ABOVE ITEM WAS TABLED!

Item No. 4b Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, David J. Wybieracki has petitioned for the rezoning from M2-General Manufacturing District to CM-General Commercial District of property owned by Benderson Development Co., Inc. and located adjacent to the NYS Thruway, south of Broadway and east of Kennedy 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 June, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of Chapter 82 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 introduction of a commercial use into a manufacturing district would be incompatible with the surrounding development and uses and would constitute spot zoning, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the application of David J. Wybieracki for the rezoning from M2-General Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and hereby is denied for the above mentioned reason.

* * * * *

MEETING NO. 14
July 5, 1988

Item No. 4b Cont'd.

Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz to table the above item.

*THE ABOVE ITEM WAS TABLED!

Item No. 4c Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, Reid Petroleum Corp., on behalf of Wilson Farms, Inc., applied for a Special Permit for a self-service gasoline facility on property located at 1055 Walden 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 16th day of May, 1988 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, this Town Board feels that a self-service gasoline facility is not conducive to the area, which is changing to a retail business district, and

WHEREAS, there are sufficient gasoline service facilities in the area already and adding another one would detract from the area, NOW, THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is denied based on the above mentioned reasons.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

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

WHEREAS, this Town Board held a public hearing on June 20, 1988 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:

MEETING NO. 14
July 5, 1988

Item No. 4d Cont'd. * * * * *

ARTICLE VIII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Hillpine Road	North-South	Butternut Rd.	Eastbound	S.W. Corner
Hillpine Road	North-South	Rushford Lane	Eastbound	S.W. Corner
Rushford Lane	North-South	Butternut Rd.	Westbound	N.E. Corner

ARTICLE X

Parking, Standing and Stopping

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

A. No Parking This Side or One Side Parking

SHANLEY STREET East side from Richard Drive north to dead end

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

B. No parking anytime

SHANLEY STREET West side from the north curbline of Richard Drive northerly to the terminus

SHANLEY STREET West side from the north side of the driveway at #376 Shanley Street southerly to the south side of the driveway at #370 Shanley Street; a distance of 86 feet ±

* * * * *

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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....*DANA HILLS*....., 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 14 1988 ;
last publication..... JUL 14 1988 ;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....
Sworn to before me this^{14th}.....
day of*July*....., 19⁸⁸.....
.....*Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19⁹⁰

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 5th day of July 1988 at 7:00 o'clock pm, Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,
Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: Motion by Councilman Johnson, Seconded by Councilman

Gabryszak
WHEREAS, this Town Board held a public hearing on June 20, 1988 at 7:00 pm, to consider the advisability of adoption of proposed amendments the 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

Street
Hillpine Road
Direction
North-south
Entrance Street
Butternut Rd.
Traffic Stops
EastBound
Sign Location
S.W. Corner

Street
Hillpine Road
Direction
North-south
Entrance Street
Rushford Lane
Traffic Stops
EastBound
Sign Location
S.W. Corner

Street
Rushford Lane
Direction
North-south
Entrance Street
Butternut Rd.
Traffic Stops
WestBound
Sign Location
N.E. Corner

ARTICLE X

Parking, Standing and Stopping
Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

A. No Parking This Side or One Side Parking
SHANLEY STREET East Side from Richard Drive north to dead end.
Section 76-102. Parking prohibited

in designated locations shall be amended by adding thereto the following:

B. No Parking anytime
SHANLEY STREET West side from the north curbline of Richard Drive northerly to the terminus

SHANLEY STREET West side from the north side of the driveway at #376 Shanley Street southerly to the south side of the driveway at #370 Shanley Street; a distance of 86 feet ±

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...

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki 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 5, 1988, 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 4d, 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 5th day of July, 1988.

RICHARD M. MOLESKI

TOWN CLERK

PUBLISH: June 23, 1988

MEETING NO. 14
July 5, 1988

Item No. 4e Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, subdivision 10-b of Section 64 of the Town Law of the State of New York authorizes this Town Board, after a public hearing on at least five days notice, to adopt regulations for the Town Highway Superintendent to issue permits for the holding of neighborhood block parties, celebrations and events on Town streets, and

WHEREAS, the Chief of Police and Town Superintendent of Highways have recommended regulations and restrictions with respect to block parties, etc., and

WHEREAS, a public hearing on proposed Regulations Pertaining to Neighborhood Block Parties, Etc. was held on July 5, 1988, at which hearing all parties in interest and citizens were given an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to adopt the proposed Regulations Pertaining to Neighborhood Block Parties, Etc., NOW, THEREFORE, BE IT

RESOLVED that the attached Regulations Pertaining to Neighborhood Block Parties be and hereby are adopted, effective immediately.

*SEE NEXT PAGE FOR COPY OF REGULATIONS.

REGULATIONS PERTAINING TO
NEIGHBORHOOD BLOCK PARTIES, ETC.

1. Permit Required. The holding of neighborhood block parties or celebrations or events on Town streets shall be prohibited unless a valid permit therefor is obtained from the Town Superintendent of Highways.
2. Application. Application for the temporary closing of Town streets shall be made to the Town Superintendent of Highways at least one (1) week in advance of the date such temporary street closing is requested.
3. Consent of Residents. No permit for the temporary closing of a Town street shall be issued unless 75% of the residents along that portion of street to be closed consent thereto.
4. Limitations.
 - a. No more than one (1) permit per year shall be issued for the temporary closing of any given portion of a street.
 - b. No permit shall be issued for streets along the perimeter of parks on days of special events, concerts, parades, etc.
 - c. Permits may only be issued during the months of June, July and August.
 - d. Streets may not be closed prior to sunrise or after sunset.
 - e. One-half of the width of the paved portion of the street must remain open and free of obstructions in order that emergency vehicles are allowed access.
 - f. The applicant must erect barricades, warning signs, etc. acceptable to the Town Superintendent of Highways at the ends of the street closed to traffic.
 - g. The applicant shall be responsible for cleaning the street after the event is over.
5. Notification of Police Department. The Town Superintendent of Highways shall notify the Chief of Police at least 48 hours prior to the temporary closing of any Town street.
6. Other Laws Applicable. The issuance of any permit hereunder does not constitute a waiver or variance to any State or Town laws (i.e. noise, criminal nuisance).

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

Item No. 4e Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 5a Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, a petition has been duly presented to this Town Board, pursuant to Section 200 of the Town Law of the State of New York, for the construction of "a street improvement consisting of new roadway 1,270 feet long and 30 feet wide with flexible pavement, concrete curbing, storm drainage, water lines and sewer lines" on a parcel or real property fronting on the south side of Broadway between Harlem Road and Wallace Avenue in the Town of Cheektowaga, New York, and

WHEREAS, it appears that the petitioner is the only owner of the property except for 7.9 acres which was conveyed to the Erie County Industrial Development Agency and leased back to the petitioner; and upon construction of the proposed street improvement, the petitioner will be the owner of the entire frontage on both sides of said street, there being no resident owners who will own any frontage along such proposed street improvement, and

WHEREAS, the maximum amount proposed to be expended for the improvement described in the petition is \$450,000.00, NOW, THEREFORE, IT IS HEREBY

ORDERED that pursuant to subdivision 7 of Section 200 of the Town Law, the Town Board of the Town of Cheektowaga shall meet in the Council Chambers of Town Hall, Broadway and Union Road, Cheektowaga, New York on the 18th day of July, 1988 at 7:00 P.M. for the purpose of considering the aforementioned petition and hearing all persons interested in the subject thereof, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized and directed: (1) to publish a certified copy of this order in the Cheektowaga Times, the official paper of the Town of Cheektowaga, not less than ten (10) nor more than twenty (20) days before the said public hearing, (2) to post a copy of same on the signboard of the Town of Cheektowaga, and (2) to post a copy of same conspicuously in five (5) public places in the area of the street to be improved as required by law.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....*DAVID H. KES*....., 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 07 1988*.....;
last publication.....*JUL 07 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*David Hicks*.....
Sworn to before me this*7th*.....

day of*July*....., 19*88*..

.....*Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
EXTRACTS FORM 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 5th day of July, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek

Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

ABSENT: 0

Motion by Councilman Johnson
Seconded by Supervisor Swiatek

WHEREAS, a petition has been duly presented to this Town Board, pursuant to Section 200 of the Town Law of the State of New York, for the construction of "a street improvement consisting of new roadway 1,270 feet long and 30 feet wide with flexible pavement, concrete curbing, storm drainage, water lines and sewer lines" on a parcel of real property fronting on the south side of Broadway between Harlem Road and Wallace Avenue in the Town of Cheektowaga, New York, and

WHEREAS, it appears that the petitioner is the only owner of the property except for 7.9 acres which was conveyed to the Erie County Industrial Development Agency and leased back to the petitioner; and, upon construction of the proposed street improvement, the petitioner will be the owner of the entire frontage on both sides of said street, there being no resident owners who will own any frontage along such proposed street improvement; and

WHEREAS, the maximum amount proposed to be expended for the improvement described in the petition is \$450,000.00, NOW, THEREFORE, IT IS HEREBY

ORDERED that, pursuant to subdivision 7 of Section 200 of the Town Law, the Town Board of the Town of Cheektowaga shall meet in the Council Chambers of the Town Hall, Broadway and Union Road, Cheektowaga, New York on the 18th day of July, 1988 at 7:00 pm. for the purpose of considering the aforementioned petition and hearing all persons interested in the subject thereof, and BE IT FURTHER

ORDERED that the Town Clerk be and hereby is authorized and directed: (1) to publish a certified copy of this order in the Cheektowaga Times, the official paper of the Town of Cheektowaga, not less than ten (10) nor more than twenty (20) days before the said public hearing, (2) to post a copy of same on the signboard of the Town of Cheektowaga, and (3) to post a copy of same conspicuously in five (5) public places in the area of the street to be improved as required by law.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

PUBLISH: July 7, 1988

MEETING NO. 14
July 5, 1988

Item No. 5b Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, Ralph Fudoli, has made application and requested a Special Use Permit for a Mini-Plaza on property located at 4890 Transit Road, (corner of Madeira Drive), with the permission of the property owner, namely, Henry M. Porter, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 18, 1988 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....DANA HICKS....., 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 07 1988.....;
last publication.....JUL 07 1988.....;
and that no more than six days intervened be-
tween publications.

.....Dana Hicks.....

Sworn to before me this7th.....

day ofJuly....., 1988..

.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 18th day July, 1988 at 6:30 o'clock p.m., Eastern Daylight Saving Time on said day for the purpose of considering the application of Ralph Fudoli for a Special Permit to operate a mini-plaza on property located at 4890 Transit Road (corner of Madeira) 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.

LEGAL DESCRIPTION TRANSIT AND MADEIRA DRIVE

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 45 Township 10 and Range 7 of the Buffalo Creek Reservation bounded and described as follows: beginning at the intersection of the southerly line of Madeira Drive with the westerly line Transit Road; thence westerly along the southerly line of Madeira Drive, Two Hundred (200') feet; thence southerly parallel with the westerly line of Transit Road, Two Hundred (200') feet to a point thence easterly parallel with the southerly line of Madeira Drive, Two Hundred (200') feet to the westerly line of Transit Road; thence northerly along the westerly line of Transit Road, Two Hundred (200') feet to the point or place of beginning.

excepting therefrom that part conveyed to the Town of Cheektowaga by Deed recorded in the Erie County Clerk's Office in Liber 9112 of Deeds at Page 677.

Size of Lot: 200 (Madiera) x 139.78 (Transit Road)

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Richard M. Moleski
Town Clerk

PUBLISH: July 7, 1988

JUSTINE D. DEMBIA
NOTARY PUBLIC STATE OF NEW YORK
COMMISSION EXPIRES 12/31/91

MEETING NO. 14
July 5, 1988

Item No. 5c Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, Bertram O. Klein, has made application and requested a Rezoning from R-Residential to C-Retail Business District for property located at 4785 Union Road, said applicant being the owner of the property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 18, 1988 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....*DAVA HICKS*....., 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 for⁵..... weeks:
first publication.....*JUL 07 1988*..... ;
last publication.....*JUL 07 1988*..... ;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....
Sworn to before me this*7th*.....

day of*July*....., 19*88*.

.....*Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

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 18th day of July, 1988 at 6:30 o'clock, pm., Eastern Daylight Saving Time of said day for the purpose of considering the application of Bertram O. Klein to Rezone from R-Residential District to C-Retail Business District on property located 4785 Union Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga New York.

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 Farm Lot 14, Township 11, Range 7 of the Holland Land Company's survey, and according to map of Nob Hill sub-map covering 1628, is known and distinguished as subdivision lot No. 250; and further distinguished as follows:

Beginning at a point on the southerly line of Cleveland Drive, One hundred twenty and fifty-three one hundredths (120.53) feet east of the easterly line of Union Road; thence southerly a distance of One Hundred twenty-eight and seven hundredths (128.07) feet to a point distance One hundred twenty (120) feet from the easterly line of Union Road; thence easterly a distance of forty-one and forty-eight one hundredths (41.48) feet; thence northerly a distance of one hundred twenty (120) feet more or less to the southerly line Cleveland Drive; thence westerly and along the southerly line of Cleveland Drive fifty-nine and ninety-four one hundredths (59.94) feet to the point or place of beginning.

Subject to easements granted to the New York Telephone Company, New York State Electric and Gas Corporation, recorded in the office of the Clerk of the county of Erie on the 10th day of April, 1941, in Liber 3090 of Deeds at page 536.

ALSO, subject to easement granted to Niagara, Lockport and Ontario Power Company, recorded in the office of the Clerk of the County of Erie on the 4th day of September, 1942, in Liber 3295 of Deeds at page 556.

ALSO, subject to easements and rights of way owned by the County of Erie, and excepting that part of the above described premises conveyed to or dedicated by the County of Erie for highway and drainage purposes as appears by the records of the Clerk of the County of Erie.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Richard M. Moleski

Town Clerk

PUBLISH: July 7, 1988

MEETING NO. 14
July 5, 1988

Item No. 6 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, by resolution dated April 4, 1988, a bid for the purchase of One (1) New and Unused 1988 Model Two-Wheel Drive, 3/4 Ton Pick-Up Truck was awarded to Bison Truck Sales, Inc. for a net price, after trade-in, of \$7,298.87, and

WHEREAS, after the award of bid and prior to delivery of the pick-up and the Town's trade-in, the Town's trade-in was involved in an accident causing \$919.00 damage to same, and

WHEREAS, Bison Truck Sales, Inc. has agreed to accept the trade-in provided it is given credit for the \$919.00, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated April 4, 1988 awarding the bid to Bison Truck Sales, Inc. be and hereby is amended to provide for an increase of \$919.00 in the net bid price, after trade-in, of \$8,217.87, and BE IT FURTHER

RESOLVED that the additional moneys for such award shall be appropriated from the Highway budget, line item 5130-2407.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 7a Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a bid opening held on July 1st, 1988, 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 PAGE FOR COPY OF ANALYSIS AND TABULATION.

AWARD OF BIDS FOR OIL, LUBRICANTS ETC.

Effective 7/5/88

	AMERICAN LUB. INC. 619 Bailey Avenue 14206 716/827-8300		Noco Energy Corp. P.O. Box 86 Tonawanda 14151 716/874-6200	Niagara Lub Inc. 105 Manitoba St. 14206 716/822-2300	Superior Lub. 32 Ward Rd. N. Tonawanda 14120 716/693-6050	Snowfighting Equip & Cons. Inc. P.O. Box 126 14220 716/824-0779	Davis Howland Corp 200 Anderson Rd. Rochester 14607 716/473-6650
	GALLON	DRUM					
KEROSENE OIL	N/B		.98/53.90	1.14/62.70	.99/54.45	1.05/57.75	1.90/104.50
HYDRAULIC OIL #46AW R&O Anti-Wear, Rust & Oxidation Resistance	1.27/69.85		1.62/89.10	1.39 per unit	1.49/81.95	2.18/119.90	1.83/100.65
MOTOR OILS; SAE 30-SF, CD (HEAVY DUTY MOTOR OIL) Meets Detroit Diesel Classification. Also used for Gas Engines.	1.78/97.90		1.99/109.45	1.83 per unit	1.85 per unit	2.88/158.40	2.18/119.90
10W30 SF-CC used for gas engines, cars and pick-ups	1.73/95.15		1.94/106.70	2.13/117.15	1.78/97.90	2.76/151.80	2.10/115.50
Reg SAE 30 SA-SB This is a non-detergent motor oil for use where additive oils are not required or desired.	1.39/76.45		2.20/121.00	1.64/90.20	1.74/95.70	2.34/128.70	1.85/101.75
KENDALL 15W-40 Super D - API services SF, CC & CD. Mack Specs EOK - EOK2.	1.69/92.95		1.99/109.45 (Exxon)	2.17/119.35	1.99/109.45	3.10/170.50 (Unilube)	2.12/116.60
TRANSMISSION FLUID: ATF Dextron II	1.96/107.80		2.15/118.25	2.15/118.25	1.99/109.45	3.15/173.25	2.48/136.40
GEAR OIL: DSL APGO 80/90 classification GL-5. This also covers Mack Truck Specs.	.32#/128.00		.36#/144.00 (Exxon)	.384#/46.08	.33#/39.60	.44#/176.00	.33#/39.60
DSL APGO 140 GL-5. Same as above	.32#/128.00		.36/144.00 (Exxon)	.384/46.08	.33/39.60	.44/176.00	.33/39.60
MULTI-PURPOSE LUBE: DSL A.P. GREASE LITHIUM #2 or as equal	.49#/196.00		.59/236.00	.57/68.40	.53/63.60	.89/356.00	.61/73.20
LUBRIPLATE - Wheel Bearing Grease or equal.	.53/212.00		.98/34.30 Valvoline	.664#/79.68	.55#/66.00	.86/344.00	.76/91.20
PERMANENT ANTI-FREEZE GM 6038 or as equal.	4.95/272.25		6.25/343.75	5.05/277.75	5.88/323.40	6.05/332.75	4.79/263.45
			Anti-freeze subject to change	anti-fre subject to change	Anti-freeze before 10/31/88		Drum Deposit \$20.00

MEETING NO. 14
July 5, 1988

Item No. 7a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 7b Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the application of a chemical root control agent to sanitary sewer lines in various locations in the Town of Cheektowaga, which bids were duly opened at a public bid opening on June 20, 1988, and

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

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

RESOLVED that the contract for the application of a chemical root control agent to sanitary sewer lines at the unit price of \$1.29 per lineal foot of 8" sewer, \$1.44 per lineal foot of 10" sewer, \$1.59 per lineal foot of 12" sewer, \$2.34 per lineal foot of 15" sewer and \$3.49 per lineal foot of 18" sewer be awarded to Duke's Sales and Service, Inc., 1020 Hiawatha Boulevard West, Syracuse, New York 13204, said bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED that costs for root control under this contract are to be appropriated and limited to the amount budgeted for root control under the appropriate Sewer District #5 budget line item #258125.4475.

*SEE NEXT PAGE FOR COPY OF LETTER FROM TOWN ENGINEER CONTAINING ANALYSIS, TABULATION AND REPORT.



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

June 29, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Award of Bid
Application of Chemical
Root Control Agent to
Sanitary Sewer Lines

Gentlemen:

At a public bid opening on June 20, 1988, bids were received and publicly opened for the application of a chemical root control agent to sanitary sewer lines. One (1) bid was received as follows:

<u>BIDDER</u>	<u>BID UNIT PRICE</u>
Duke's Sales & Service, Inc.	8" sewer - \$1.29 per lineal foot
	10" sewer - \$1.44 per lineal foot
	12" sewer - \$1.59 per lineal foot
	15" sewer - \$2.34 per lineal foot
	18" sewer - \$3.49 per lineal foot

The bid was reviewed by the Town Engineer and upon his recommendation, the bid should be awarded to Duke's Sales & Service, Inc., 1020 Hiawatha Boulevard West, Syracuse, New York 13204, said bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Henry Borkowski
Henry Borkowski
Engineering Aide

HB:dms

MEETING NO. 14
July 5, 1988

Item No. 7b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Solecki 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 new trees for the Town's tree planting season: Fall, 1988 and Spring, 1989.

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, NY 14227.

RESOLVED that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on July 15, 1988 at 11:00 A.M. in the Council Chambers of the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on July 15, 1988, at a public bid opening at 11:00 A.M. at the Town Hall, Broadway and Union Roads, Town of Cheektowaga, New York for the purpose of furnishing new trees for Fall, 1988 and Spring 1989 tree planting.

Specifications for new trees may be picked up at the office of the Superintendent of Highways, Christopher J. Kowal, 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M. , Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga, NY

DATED: July 5, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....*DANA HICKS*....., 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 07 1988*.....;
last publication.....*JUL 07 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this*7th*.....

day of*July*....., 19..*88*..

.....*Justine D. Demich*.....

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

JUSTINE D. DEMICH
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 28, 90

**LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA,
NEW YORK**

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on July 15, 1988, at a public bid opening at 11:00 am. at the Town Hall, Broadway & Union Rds., Town of Cheektowaga, New York for the purpose of furnishing new trees for fall, 1988, and spring, 1989, tree planting.

Specifications for new trees may be picked up at the office of the Superintendent of Highways, Christopher J. Kowal, 3145 Union Rd., Cheektowaga, NY 14227, between the hours of 8:00 am. and 3:30 pm., Monday through Friday.

**NON-COLLUSION FORMS
MUST BE SIGNED AND SUBMITTED
WITH EACH BID.**

Richard M. Moleski
Town Clerk

Town of Cheektowaga, NY
PUBLISH: July 7, 1988

MEETING NO. 14
July 5, 1988

Item No. 9 Motion by Councilman Kazukiewicz Seconded by Councilman Kulyk

WHEREAS, Primary Election hours in Erie County, six other counties and the burroughs surrounding New York City are from 6:00 A.M. to 9:00 P.M., and

WHEREAS, Primary Election hours elsewhere in New York State are from 12:00 Noon to 9:00 P.M., and

WHEREAS, election expenses are a charge against the towns in the County of Erie, and

WHEREAS, it costs the Town of Cheektowaga approximately \$12,000 for the additional six hours for the Primary Election, and

WHEREAS, the expenses incurred by the Town for the additional six hours are increasing annually, NOW, THEREFORE, BE IT

RESOLVED that this Town Board memorializes the New York State Legislature and Governor Cuomo to change the Primary Election hours in Erie County to 12:00 Noon to 9:00 P.M. , and BE IT FURTHER

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

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, there is a vacant triangular parcel of land lying between 98 and 102 Jessica Lane in the town, and

WHEREAS, the public need dictates that the Town obtain this land in order to have a sidewalk erected over same, and

WHEREAS, by resolution dated March 21, 1988, this Town Board, pursuant to the Eminent Domain Procedure Law, make an Offer to Purchase to the owners of such property, and

WHEREAS, the owners of such property have rejected the Town's offer, and

WHEREAS, it is in the public interest to obtain this land as soon as possible, NOW, THEREFORE, BE IT

RESOLVED that the Town Attorney's Office be and hereby is authorized and directed to initiate condemnation proceedings and to take whatever other action is necessary to obtain this property for the Town.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the New York State Council on the Arts has approved a grant of \$5,000 for the Town's 1988 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

Item No. 11 Cont'd.

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 THREE (3) PAGES FOR COPY OF CONTRACT.

Item No. 11 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Authorization for State of New York to perform utility adjustments
regarding William Street Road Improvement Project.
THIS ITEM WAS WITHDRAWN BY COUNCILMAN JOHNSON.

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

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to and be maintained by the Town, be installed under a Public Improvement Permit, and

WHEREAS, the Woodbridge Corporation, the developer of the north-westerly corner of Dick Road and Northcreek Drive, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for a sanitary sewer extension required to provide sewer service to an office building currently under construction, and

WHEREAS, the Town Engineering Department has reviewed the plans and specifications and find that they conform with Town requirements, NOW, THEREFORE, BE IT

RESOLVED that the Public Improvement Permit be and hereby is approved for the above described sanitary sewer extension to be installed by the Woodbridge Corporation.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14a Acceptance of Town Highway - Maischoos Street.
THIS ITEM WAS WITHDRAWN.

Item No. 14b Acceptance of Town Highway - Fronckowiak Avenue.
THIS ITEM WAS WITHDRAWN.

Item No. 15 Motion by Councilman Kulyk Seconded by Councilman Johnson

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 24, 1988, rendered the determinations shown on the attached memo dated June 27, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items

MEETING NO. 14
July 5, 1988

Item No. 15 Cont'd.

listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the June 27, 1988 memo attached hereto:

Item II
Item III

587 Aero Drive
Allied Frozen Storage

*SEE NEXT TWO (2) PAGES FOR MEMO FROM ENVIRONMENTAL ADVISORY COMMITTEE.

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 Frank Swiatek
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: June 27, 1988

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 24, 1988, in the Town Hall Council Chambers.

ITEM I 2812 Harlem Road - Conversion Of A House Into
A Doctor's Office

Applicant: Michael Urso

Determination: Tabled - The applicant wishes to convert a single family dwelling into a doctor's office. The house is located on the West side of Harlem Road between Genesee Street and Kaufman in an area that is zoned for retail sales and offices. After some discussion the Committee tabled this item due to an inadequate drainage plan and the possibility that the applicant may not have sufficient room for off-street parking. The applicant will have to approach the Planning Board for landscaping approval and possibly the Zoning Board of Appeals for rear yard variance.

ITEM II 587 Aero Drive - Proposed Office/Warehouse

Applicant: O'Toole's Restaurants

Determination: Non-Significant - This item had been before the Committee previously and was tabled for submission of a more detailed drainage plan. Also the Committee wished to view elevations to see what style of architecture will be employed in the construction of the building. The applicant submitted an acceptable drainage plan to the Engineering Department and provided sketches of the architecture of the building. The Committee found the architecture acceptable. The landscaping proposed for the site is within the Zoning Ordinance requirements but the Planning Board must accept the types of plantings.

RE: EQR - June 24, 1988
June 27, 1988
Page 2

ITEM III Allied Frozen Storage - Proposed 29,900 Sq. Ft.
Addition

Applicant: Allied Frozen Storage

Determination: Non Significant With Stipulations

The item had been before the Committee previously and the applicant was told to submit additional drainage information. No adverse impacts are anticipated with the addition but the Committee is recommending that no permit for the second phase be issued until the drainage basin is constructed and the Engineering Department approve the drainage plan for the revised site.

ITEM IV 3770 Union Road - New Development Plan For
Putt-Putt And Construction
Of Citibank Facility

Applicant: John Kloch, Architect

Determination: Tabled - This item was discussed with the Architect and tabled for further possible revisions due to the possibility of eliminating the Union Road access driveway. The Committee had concerns regarding stacking for the drive-in tellers. The applicant would appear to have the stacking spaces except that there is some concern that the patrons of the bank will not stack in the areas provided and cause possible traffic problems on Union Road. A number of suggestions were made including narrowing the Union Road driveway to discourage left turns and installing considerable signage to restrict traffic flows. The applicant was informed that sidewalks must be provided on Postal and Union Road for pedestrian traffic. The Architect indicated he will submit these suggestions and recommendations to his clients and notify the Committee as to the results of the meeting.

Item No. 15 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16 Motion and Seconded by Councilman Johnson, Jaworowicz, Gabryszak, Kulyk, Kazukiewicz, and Solecki

WHEREAS, the costs of running government seem to continually be on the rise, AND

WHEREAS, such rising costs are occurring in part because of the increase in postage from 22¢ to 25¢ earlier this year, AND

WHEREAS, government officials, in an attempt to correspond with and keep citizenry informed and cognizant of governmental action, utilize the mail system on a regular basis, AND

WHEREAS, this Town Board, in an effort to keep the tax rate and Town spending to a minimum, are desirous of establishing a limit on the postage costs incurred by each Councilman, AND

WHEREAS, Councilmen have other avenues (i.e. news media) to keep our constituents informed, AND

WHEREAS, it is felt that an annual postage appropriation of \$500.00 per Councilman would still enable each Councilman to keep in touch with his/her constituents while at the same time curtailing unnecessary expenditures, NOW, THEREFORE, BE IT

RESOLVED that postage accounts for each Councilman in the amount of \$200.00 for the remainder of the 1988 calendar year be and hereby are established in the Council Office budget, AND, BE IT FURTHER

RESOLVED that Joan E. Dudek, Receiver of Taxes and officer in charge of the Town's mailing function, be and hereby is assigned to monitor all mailing expenses of the Councilmen and issue a monthly report to be filed with the town Clerk for public inspection, AND, BE IT FURTHER

RESOLVED that any Councilman exceeding his or her personal allocation be required to reimburse the Town for such postage expense.

MOTION BY Councilman Gabryszak SECONDED BY Councilman Johnson to table the above resolution.

*THE ABOVE RESOLUTION WAS TABLED!

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

WHEREAS, this Town Board has previously created a corporation known as the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new commercial and industrial development in the town, and

WHEREAS, the by-laws of such corporation provide that the directors of the Cheektowaga Economic Development Corporation shall be appointed by resolution of this Town Board, and

WHEREAS, the President of the Cheektowaga Chamber of Commerce pursuant to such by-laws, is a voting member of said Board of Directors, subject only to this Town Board's confirmation, and

MEETING NO. 14
July 5, 1988

Item No. 17 Cont'd.

WHEREAS, Ralph J. Musialowski is the current President of the Cheektowaga Chamber of Commerce, NOW, THEREFORE, BE IT

RESOLVED that Ralph J. Musialowski be and hereby is confirmed as a voting member of the Cheektowaga Economic Development Corporation for a term coinciding with her term as President of the Cheektowaga Chamber of Commerce.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Johnson Seconded by Supervisor Swiatek

BE IT RESOLVED that the promotional position of Principal Engineer Assistant be and hereby is created in the Highway Department, effective immediately, and BE IT FURTHER

RESOLVED that such position be posted for a period of ten (10) work days in accordance with the collective bargaining agreement between the Town and Town Employee's Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Solecki Seconded by Councilman Kulyk

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 Anthony Broniszewski, 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 effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20a Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following individual hired for employment in the Facilities Department be and hereby is terminated:

#01-007110-1-0-1491-001 - Parks Division
David Tomasello

Effective
immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 14
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Item No. 20b Motion by Councilman Gabryszak Seconded by Councilman Kulyk

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-time employees in the various Departments listed:

SANITATION DEPARTMENT

Kurt Emmanuele
Dennis Kazmierczak
Ronald Budney
James McCloskey

Effective

immediately
immediately
immediately
immediately

POLICE DEPARTMENT

Timothy Jaworowicz

6/24/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Motion by Councilman Kulyk Seconded by Councilman Gabryszak to dispense with the reading of the names on Items 21a, 21b, 21c, 21d and 21e, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 21a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be and hereby are hired in the Facilities Department to assist in conducting its 1988 Summer Program:

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

Vincent Lema
Bradd Weber
Justin Enders
Doug Page

Effective

7/6/88
7/6/88
retroactive to 6/24/88
7/6/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21b Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1988 summer programs:

LIFEGUARD - Certified Trainer - \$4.00 per hour - A7180.1903

Carol Kushner

GYMNASTICS INSTRUCTOR - \$3.50 per hour - A7140.1615

Susan Mulcahy

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

John Domagalski
Douglas Grandits

MEETING NO. 14
July 5, 1988

Item No. 21b Cont'd.

Gregory Halter
Thomas O'Donnell
Carol Schindler
Rachelle Wiseman
John Zeis
Kevin Zak
Laura Williams

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

Steven Cuedik
Cindy Hartman
Michelle Luciani
Joelle Roland
Kathy Jo Szymanski
Sheila Smith
Andrea Nietopski

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21c Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be hired at the designated titles and salaries:

Camp Crabapple/Camp JI-IK-DI-WAH-GAH - (7310.1802)

Senior Counselor - \$4.00 per hour

Sue Klein 14225

Counselor III - \$3.65 per hour

Kerry Rustowicz 14225

Counselor I - \$3.35 per hour

Kathy Miller 14227

New York State Conservation Corps (NYSCC) - Youth Leader - \$4.00 per hour - (01-7310-0001-1814)

Martin Augustyniak 14212

Summer Trainees - \$3.35 per hour

Jennifer Jarnot 14227

Adam Chojnacki 14225

John Rogowski 14227

Jennifer Jablonski 14227

Tracy Gielinski 14227

Susan Boyle 14211

Dennis Smith 14227

Jamie Kalstek 14227

Joelle Kornecki 14212

Alternates - New York State Conservation Corps or Cheektowaga Conservation Corps - \$3.35 per hour

William Reidy 14227

Sam Villafranca 14227

MEETING NO. 14
July 5, 1988

Item No. 21c Cont'd.

Alternate - New York State Conservation Corps - \$3.35 per hour

Kirk Wilde	14227
Brian Tokarczyk	14227

BE IT RESOLVED that Jim Demler, , Cheektowaga, New York 14227, previously hired as a Recreation Attendant (A.7140.1614) for the Recreation Department at \$3.35 per hour, be transferred to the Cheektowaga Conservation Corps as a Summer Trainee (7310.1812), at the same salary rate, effective immediately, and BE IT

RESOLVED that Krista Bull, previously hired as a Summer Trainee for the Cheektowaga Conservation Corps (7310.1812), \$3.35 per hour, be elevated to the position of Youth Leader at a salary rate of \$4.25 per hour, effective immediately, and BE IT FURTHER

RESOLVED that the below listed individuals names be removed from the hiring rolls due to their acceptance of other employment

Camp Crabapple/Camp JI-IK-DO-WAH-GAH - (7310.1802)

Counselor I

Kristen Ryan	14043
Kristen Hallnan	14227

Senior Counselor

Jeffrey Kaczorowski	14227
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Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 21d Motion by Councilman Kulyk Seconded by Councilman Solecki

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:

EFFECTIVE

SANITATION DEPARTMENT - Part-time - \$5.00 per hour

Barry Conners		immediately
Wayne Bernhard	(retro.)	6/20/88
Anthony Terranova, Jr.		immediately
Eric Ozolins	- 14043	immediately

MAIN PUMP STATION - Seasonal - \$4.25 per hour

John Johnson	immediately
Leroy Linkner	immediately

MAIN PUMP STATION - Seasonal - \$4.00 per hour

Chet Kensy	immediately
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MAIN PUMP STATION - Seasonal - \$3.60 per hour

Norman Anderson	immediately
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POLICE DEPARTMENT - Seasonal - \$3.35 per hour

Joelle L. Roberto	immediately
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MEETING NO. 14
July 5, 1988

Item No. 21d Cont'd.

AND BE IT FURTHER

RESOLVED that William Yetman of , hired as a Seasonal employee in the Facilities Department, be and hereby is transferred to the Sanitation Department, part-time, at a rate of \$5.00 per hour.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21e Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, there is a need for additional substitute school crossing guards due to the recent retirement of two school crossing guards, NOW, THEREFORE, BE IT

RESOLVED that the following individuals be and hereby is hired as a substitute school crossing guard, effective immediately, at a salary of \$5.25 per hour:

James A. Burns

Cheektowaga, New York 14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Kazukiewicz Seconded by Councilman Gabryszak

WHEREAS, Adolph Rakowski, General Mechanic in the Facilities Department, exhausted all his accrued sick leave, personal leave and vacation days, and

WHEREAS, by resolution dated May 2, 1988, this Town Board granted Mr. Rakowski extended sick leave payments for 15 days, as authorized by Section 8.02(c) of the agreement between the Town and the Town Employee's Association, and

WHEREAS, Mr. Rakowski only used 6 1/4 of these extended sick leave days prior to returning to work, and

WHEREAS, Mr. Rakowski has had a relapse and is in need of the remaining 8-3/4 days extended sick leave payments, NOW, THEREFORE, BE IT

RESOLVED that Adolph Rakowski be and hereby is granted extended sick leave payments for a period of 8-3/4 days, which payments must be repaid to the Town upon his return to service.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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

WHEREAS, Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau has been ordered to active duty to attend Command and General Staff School, BE IT

MEETING NO. 14
July 5, 1988

Item No. 23 Cont'd.

RESOLVED that he be granted a leave of absence in accordance with the applicable Civil Services Laws of the State of New York, from July 11, 1988 through July 22, 1988 to attend said school at Dover, Delaware.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24a Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, Christopher J. Kowal, Highway Superintendent, has advised the Town Board of his intent to attend the 59th Annual Conference of the New York State Association of Town Superintendents of Highways on September 27th through September 30th, 1988 in Monticello, NY, NOW, THEREFORE BE IT

RESOLVED that Highway Superintendent, Christopher J. Kowal, is hereby authorized to attend the above conference arriving in Monticello, NY the afternoon of September 27th, 1988, and BE IT FURTHER

RESOLVED that Christopher J. Kowal will be using his highway vehicle for transportation and that he will be reimbursed for all travel and necessary expenses in connection with said conference, as provided for through budgeted line item, Highway-Travel 045130.4082.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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

WHEREAS, the Office of Court Administration will sponsor a seminar from July 24th to July 27th at St. Lawrence University in Canton, 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 Judith Faulkner and Cheryl Wasielewski be and hereby are authorized to attend said seminar at the St. Lawrence University, Canton, 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.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, on June 15, 1987, this Town Board awarded the contract for

MEETING NO. 14
July 5, 1988

Item No. 25 Cont'd.

Improvements to Rehm Road and Stiglmeier Park to GBH Paving, Inc., AND

WHEREAS, the Facilities Director, James Matecki, requested additional work not covered by the original contract, and

WHEREAS, the Town Engineer, Chester Bryan, the Facilities Director, James Matecki, and the Project Engineer, Allan Blachowski, approved Change Order #1 in the sum of \$2,650.00 as an increase in the contract's final revised bid quantities, NOW, THEREFORE, BE IT

RESOLVED that Change Order #1 for a total increase to the original contract price of \$2,650.00 to GBH Paving, Inc. 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, Los-Green Inc., the developer of the Losson Green Estates Subdivision, has completed the installation of the street lighting system as required in conjunction with development of Phase 6 of said subdivision, AND

WHEREAS, in accordance with the Public Improvement Permit Ordinance, the developer has previously placed funds in escrow with the Town as surety, in lieu of a Performance Bond, to guarantee installation of the subject street lighting system, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$5,600.00 currently being held in escrow by the Town, together with accrued interest, be released to the person or persons who had deposited same, and, BE IT FURTHER

RESOLVED that the luminaires, fiberglass standards, conductors and conduit for the below described installations, whose ownership has been transferred to the Town, are to be maintained by the town of Cheektowaga, and the connections, energy and lamp replacements are to be supplied by the New York State Electric & Gas Corporation.

STREET LIGHTING EQUIPMENT

LOCATION

Standard No. 6	Westerly side of Hillpine Road between S.L. 74 & S.L. 74
Standard No. 7	Westerly side of Hillpine Road between S.L. 77 & S.L. 78
Standard No. 8	Easterly side of Hillpine Road between S.L. 110 & S.L. 111
Standard No. 9	Easterly side of Hillpine Road between S.L. 113 & S.L. 114
Standard No. 6	Northerly side of Rushford Lane mid-point of S.L. 84
Standard No. 7	Southerly side of Rushford Lane between S.L. 156 & 157
Standard No. 8	Southerly side of Rushford Lane at the intersection of Hillpine Road

* * * * *

Motion by Councilman Johnson Seconded by Supervisor Swiatek to table the above resolution.

* * * * *

*THE ABOVE RESOLUTION WAS TABLED.

MEETING NO. 14
July 5, 1988

Item No. 27 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	9902.4101	(Transfer to Risk Retention- Unallocated Insurance)	\$ 82,000.00
	9902.8131	(Transfer to Risk Retention- Workman's Comp.)	103,000.00
	9902.8161	(Transfer to Risk Retention - Unemployment)	30,000.00
	3820.0000	(Youth Programs-Revenue)	14,827.64
TO:	1910.4711	(Contingency)	225,000.00
	7310.1813	(1988 NYSCC Grant-Supv)	2,503.00
	7310.1814	(1988 NYSCC Grant-P.T.)	8,147.10
	9010.8191	(1988 NYSCC Grant-Allocated)	979.54
	7310.4082	(1988 NYSCC Grant-Travel)	2,000.00
	7310.2501	(1988 NYSCC Grant-Equip.)	210.00
	7310.4002	(1988 NYSCC Grant-Supplies)	988.00

RISK RETENTION FUND

FROM:	511.0000	(Appropriated Reserves)	225,000.00
TO:	5031.0000	(Interfund Transfer-In Revenue)	225,000.00

RISK RETENTION FUND

FROM:	511.0000	(Appropriated Reserves)	2,181.00
TO:	1710.4523	(Claims Administration)	2,181.00

SPECIAL DISTRICT FUND

FROM:	508125.4438	(Sewer Repairs)	3,000.00
TO:	508125.4955	(Harlem-Utilities)	3,000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to July 5, 1988 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 263,626.93
HIGHWAY FUND	13,846.51
CAPITAL FUND	682,623.65
TRUST & AGENCY FUND	58.77
HUD FUND	1,848.44
PART TOWN FUND	50.00
RISK RETENTION FUND	20,966.52
SPECIAL DISTRICT FUND	1,662,246.26
	<u>\$2,645,267.08</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 29 Supervisor's Statement of Funds for May 1988.
Received and filed.
- Item No. 30 Building Permits
Received and filed
- Item No. 31 Cheektowaga Library Board: Minutes of June 1988 meeting.
Received and filed.

IV. GENERAL COMMUNICATIONS

- Item No. 32a Notice of Claim: Henry & Bernie Lohr vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert Lis, Chief of Police and Joseph J. Naples and Associates, Town's Insurance Carrier.
Received and filed.
- Item No. 32b Notice of Claim: Steven Graue vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Ronald Zoeller, Working Crew Chief of Sanitation Department; Joseph J. Naples and Associates, Town's Insurance Carrier.
Received and filed.
- Item No. 33 Notice of Petition: Tadeusz & Margaret Glowacki vs. Town of Cheektowaga
Copies of this Petition were sent to: Frank E. Swiatek, Supervisor; Karen McAuley, Council Secretary and James Kirisits, Town Attorney.
Received and filed.
- Item No. 34a Notice of Petition: Rite Aid (2315 William Street) vs. Board of Assessment Review
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 34b Notice of Petition: Steven J. Suor and Barbara S. Moor vs. Board of Assessment Review.
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 34c Notice of Petition: Dennys, Inc. vs. Board of Assessment Review.
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 34d Notice of Petition: Rite Aid (6000 Transit Road) vs. Board of Assessment Review.
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Motion by Supervisor Swiatek Seconded by Councilman Kulyk to suspend the rules to include the following items, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 35 Award of bid for Salt Storage Building

Motion by Councilman Solecki Seconded by Councilman Kazukiewicz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for construction of a storage building for road salt, which bids were duly received and opened at a public bid opening called for that purpose and held on April 4, 1988, and

WHEREAS, said bids were referred to the town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter to the town Board dated April 14, 1988, and

WHEREAS, the low bidder, Baker Development and Construction Company agreed to keep its bid quote open for a period longer than required by law and until August 1, 1988, and

WHEREAS, it is imperative that this bid be awarded now since the prices for the construction of a salt storage building will be increasing in the near future and also because of the fact that road salt is presently standing outside and is decomposing, NOW, THEREFORE, BE IT

RESOLVED that the bid for a salt storage building be awarded to Baker Development and Construction Company, 63 Baker Court, Lackawanna, New York 14218 for its bid price of \$41,500.00, said bidder being the lowest responsible bidder meeting specifications, and, BE IT FURTHER

RESOLVED that the moneys for such project shall be appropriated from the contingency fund, account number 01 1910 0004 4711.

*SEE NEXT PAGE FOR COPY OF LETTER FROM TOWN ENGINEER CONTAINING ANALYSIS, TABULATION AND REPORT.



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

April 14, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Salt Storage Building

Gentlemen:

Bids were received and opened on April 4, 1988 for general construction of one (1) salt storage building. Two (2) bidders submitted bids as follows:

<u>BIDDER</u>	<u>PRICE</u>
Baker Development & Construction Company	\$41,500.00
LCP Construction Corporation	\$44,458.00

The bids were reviewed by the Engineering Department. It is, therefore, recommended that the bid for one (1) salt storage building be awarded to Baker Development & Construction Company, 63 Baker Court, Lackawanna, New York 14218 for their submission of the lowest bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Henry Borkowski
Henry Borkowski
Engineering Aide

HB:dms

Item No. 35 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 36 Create three (3) positions of Public Safety Officer in the Police Department.

Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, by resolution dated May 16, 1988, this Town Board authorized the Supervisor to execute the necessary PO-17 forms for three positions of Public Safety Dispatcher, and

WHEREAS, on June 1, 1988, the Erie County Department of Personnel certified the title for such positions as being "Public Safety Officer", and

WHEREAS, this Town Board wishes to formally create such positions, NOW, THEREFORE, BE IT

RESOLVED that three (3) positions of Public Safety Officer be and hereby are created in the Police Department, effective immediately, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached PO-17 form acknowledging the creation of such positions, and BE IT FURTHER

RESOLVED that the Town shall confer and negotiate the salary for such positions with the appropriate collective bargaining unit.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 37 Call for Public Hearing for Special Use Permit - 3105 William Street

Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Mobil Oil/Krehbiel Associates, Inc. has made application and requested a Special Use Permit to operate a car wash on property located at 3105 William Street, said applicant being the owner of the aforementioned property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 18th, 1988 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....DAWA HICKS....., 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 07 1988.....;
last publication.....JUL 07 1988.....;
and that no more than six days intervened be-
tween publications.

.....[Signature].....

Sworn to before me this7th.....

day ofJuly....., 1988..

.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 18th day July, 1988 at 6:30 o'clock, pm., Eastern Daylight Saving Time of said day for the purpose of considering the application of Mobil Oil/ Krehbiel Associates, Inc. for a Special Permit to operate a car wash on property located at 3195 William Street 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.

WILLIAM STREET AND UNION ROAD

TOWN OF CHEEKTOWAGA

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being a part of Lot 64, Township 10, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point located on the westerly highway boundary of Union Road (66.0 ft. wide) said point being 161.32 feet southerly from the southerly highway boundary of William Street (66.0 ft. wide) as measured along the westerly highway boundary of Union Road; thence northerly along the westerly highway boundary of Union Road as widened by the New York State Department of Public Works and as shown on Map 75 Parcel 85 a distance of 88.26 feet; thence northwesterly at an interior angle of 143 degrees 36' 20" a distance of 47.75 feet; thence westerly at an interior angle of 104 degrees 27' 34" a distance of 40.93 feet; thence northwesterly at an exterior angle of 89 degrees 56' 57" a distance of 12.03 feet; thence westerly at an interior angle of 89 degrees 58' 42" and along the southerly highway boundary of William Street (66.0 ft. wide) a distance 149.95 feet; thence southerly at right angles a distance of 245.0 feet; thence northeasterly at an interior angle of 85 degrees 56' 32" a distance of 115.09 feet; thence northerly along the westerly highway boundary of Union Road (66.0 ft. wide) a distance of 112± feet to the place or point of beginning.

Subject to any easements, right-of-ways, agreements, etc. of record.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,
Jr.
Councilman Patricia A. Jawor-
owicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

Richard M. Moleski
Town Clerk

PUBLISH: July 7, 1988

MEETING NO. 14
July 5, 1988

Item No. 38
the meeting.

Motion by Supervisor Swiatek Seconded by Councilman Kulyk to adjourn

July 5, 1988

RICHARD M. MOLESKI
Town Clerk

No. 15

MEETING NO. 15
July 18, 1988

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 18th day of July, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; James Kirisits, Town Attorney; Christopher Kowal, Highway Superintendent; Sal LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Ralph Majchrowicz, Supervising Accountant; Ronald Marten, Building Inspector; Donald Wegner, Chairman of Zoning Board of Appeals; and Bernard Wojtkowiak, Erie County Legislator.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider a petition presented to this Town Board, pursuant to Section 200 of the Town Law of the State of New York for the construction of a "street improvement consisting of new roadway 1,270 feet long and 30 feet wide with flexible pavement, concrete curbing, storm drainage, water lines and sewer lines" on a parcel of real property fronting on the south side of Broadway between Harlem Road and Wallace Avenue in the Town of Cheektowaga, New York. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

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 Swiatek Seconded by Councilman Johnson

WHEREAS, the Cheektowaga Town Board is desirous of interviewing candidates for the Town Personnel Director position, and

WHEREAS, these interviews will take place Wednesday, July 27, 1988,
NOW, THEREFORE, BE IT

RESOLVED that the Town Board work session scheduled for Monday evening, July 25, 1988 be rescheduled for Wednesday evening, July 27, 1988.

MEETING NO. 15
July 18, 1988

Item No. 3 Cont'd.
Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, Kathleen King, President of Montreal Royal Leasing applied for a Special Permit for automobile leasing and sales on property located at 4652 Genesee Street, 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 5th day of July, 1988 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 restricting the operation strictly to the leasing and rental of automobiles and contingent upon the receipt and approval of the Town Attorney of a perpetual easement for use of the Luxury Budget Inn driveway for this operation, 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 4652 Genesee Street, and has rendered a determination that the Special Permit will not have a significant effect on the environment on the condition that a landscaping plan be submitted to and approved by the Planning Board and the Engineering Department approve a final drainage plan for this property, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

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

*SEE NEXT PAGE FOR COPY OF DEED DESCRIPTION

EXHIBIT 1

Certificate of Complete ~~Final~~ Survey, County of ERIE
against all that plot of land situated in the

Town of Cheektowaga, County of Erie
and State of New York being part of Lot Number seventy-seven (77),
Township eleven (11), Range seven (7) of the Holland Land Company's
Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the center line of Genesee Street
eight hundred sixty-one and seventy-four hundredths (861.74) feet
northeasterly measured along said center line from its point of
intersection with the west line of Lot Number seventy-seven (77),
Township eleven (11), Range seven (7); thence northerly making a
northeast angle of $78^{\circ}-03'$ four hundred fifty-four and twenty-
eight hundredths (454.28) feet to a point in the southwest line of
lands of the Lehigh Valley Railroad Company at the northeast
corner of lands now owned by Mrs. Johnson; thence southeasterly
along the southwest line of lands of the Lehigh Valley Railroad
Company seventy-five and seventy hundredths (75.70) feet to a
point; thence southerly parallel with the first described boundary
line one hundred ninety-one and twelve hundredths (191.12) feet
to an angle point; thence southeasterly one hundred ninety-one
and forty hundredths (191.40) feet to a point in the center line
of Genesee Street distant sixty-two and forty-nine hundredths
(62.49) feet northeasterly from the point of beginning; thence
southwesterly along the center line of Genesee Street sixty-two
and forty-nine hundredths (62.49) feet to the point of beginning.

MEETING NO. 15
July 18, 1988

Item No. 4 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. MEYERS....., 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 21 1988.....;
last publication..... JUL 21 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 21st

day of July, 1988..

..... Justine D. Dembik

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**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 18th day of July 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: 0 Motion by Councilman Jaworowicz and Seconded by Councilman Jaworowicz

WHEREAS, Kathleen King, President of Montreal Royal Leasing applied for a Special Permit for automobile leasing and sales on property located at 4652 Genesee Street, 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 5th day of July, 1988 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 restricting the operation strictly to the leasing and rental of automobiles and contingent upon the receipt and approval of the Town Attorney of a perpetual easement for use of the Luxury Budget Inn driveway for this operation,

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 4652 Genesee Street, and has rendered a determination that the Special Permit will not have a significant effect on the environment on the condition that a landscaping plan be submitted to an approved by the Planning Board and the Engineering Department approve a final drainage plan for this property

and
WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee.

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

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0

Certificate of Complete Record Search, County of Erie against all that plot of land situated in the Town of Cheektowaga, County of Erie and

State of New York being part of Lot Number seventy-seven (77), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the center line of Genesee Street eight hundred sixty-one and seventy-four hundredths (861.74) feet northeasterly measured along said center line from its point of intersection with the west line of Lot Number seventy-seven (77), Township eleven (11), Range seven (7); thence northerly making a northeast angle of 78 degrees 03' four hundred fifty-four and twenty-eight hundredths (454.28) feet to a point in the southwest line of lands of the Lehigh Valley Railroad Company at the northeast corner of lands now owned by Mrs. Johnson; thence southeasterly along the southwest line of lands of the Lehigh Valley Railroad Company seventy-five and seventy hundredths (75.70) feet to a point; thence southerly parallel with the first described boundary line one hundred ninety-one and twelve hundredths (191.12) feet to an angle point; thence southeasterly one hundred ninety-one and forty hundredths (191.40) feet to a point in the center line of Genesee Street distant sixty-two and forty-nine hundredths (62.49) feet northeasterly from the point of beginning; thence southwesterly along the center line of Genesee Street sixty-two and forty-nine hundredths (62.49) feet to the point of beginning.

**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 18, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 4, 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 19th day of July, 1988.

**RICHARD M. MOLESKI
TOWN CLERK**

PUBLISH: July 21, 1988

MEETING NO. 15
July 18, 1988

Item No. 5 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a public bid opening for the purchase of new trees for the Town's planting season: Fall, 1988 and Spring, 1989, by 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 has been completed,
NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to Schichtel Nursery, 6745 Chestnut Ridge Road, Orchard Park, New York, 14127; said bidder being the sole and lowest responsible bidder meeting specifications as set forth in the tabulation attached hereto and made a part hereof.

* * * * *

Motion by Councilman Solecki Seconded by Supervisor Swiatek to amend the above resolution, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED

Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a public bid opening for the purchase of new trees for the Town's planting season: Fall, 1988 and spring, 1989, by 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 has been completed, NOW,
THEREFORE, BE IT

RESOLVED that the bid be awarded to Schichtel Nursery, 6745 Chestnut Ridge Road, Orchard Park, New York, 14127; said bidder being the sole and lowest responsible bidder meeting specifications as set forth in the tabulation attached hereto and made a part hereof, amount not to exceed \$10,000 and charge to Line Item 01856-0004-4291.

*SEE NEXT THREE PAGES FOR TABULATION

TOWN OF CHEEKTOWAGA
ERIE COUNTY - NEW YORK

JUL 13 PM 2:12
CHEEKTOWAGA
TOWN CLERK

OFFICES LOCATED AT:

CHEEKTOWAGA TOWN HALL
BROADWAY & UNION RD.
CHEEKTOWAGA, NY 14225

RECEIVED JUL 11 1988

SPECIFICATION AND BID FORM

FOR NEW TREES FOR FALL, 1988 AND SPRING, 1989 PLANTING

BIDS TO BE RECEIVED UNTIL JULY 15, 1988, 11:00 A.M.

AT WHICH TIME THEY WILL BE PUBLICLY OPENED AND READ IN THE
COUNCIL CHAMBERS OF THE TOWN HALL, BROADWAY AND UNION RD.,
CHEEKTOWAGA, NY 14225.

NOTE: In order to be considered, all bids must be filed with
the Town Clerk prior to the time of opening of said bids.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

NAME OF BIDDER Schichtel's Nursery, Inc.

ADDRESS OF BIDDER 6745 Chestnut Ridge Road
Orchard Park, New York 14127

PHONE NUMBER OF BIDDER (716) 662-9896

It is intended by these specifications to permit free competition
and wherever a particular brand or make of article is specified,
another brand or make may be provided; and that the same is equal
in quantity and performance to the brand and make specified.

SPECIFICATIONS AND BID SHEET FOR NEW TREES
TOWN OF CHEEKTOWAGA, NEW YORK

1. All trees are to conform with the standards as set forth by the American Association of Nurserymen.
2. Trees are to arrive in a moist horticulturally satisfactory condition.
3. Lump sum bid only.
4. Calipur of tree shall be measured at a point 6" above ground level.
5. All trees must be branched.
6. F.O.B., 3145 Union Rd., Cheektowaga, NY, 14227.
7. All trees shall be supplied to the Cheektowaga Highway Department commencing on October 24, 1988 and not later than November 14, 1988 and April 10, 1989 and not later than May 1, 1989.
8. Calipur of all trees shall be 1½" - 1¾" dia.
1 3/4"

<u>TYPE OF TREE</u>		<u>UNIT BID PRICE</u>
1. <u>Siberian Crabapple</u> (Malus baccata) (Spring planting only)	Bareroot	\$31.00
2. <u>Columnar Siberian Crabapple</u> (Malus baccata 'Columnaris') (Spring only)	Bareroot	\$31.00
3. <u>Velvet Pillar Crabapple</u> (Malus 'Velvet Pillar') (Spring only)	Bareroot	\$31.00
4. <u>Olmsted Columnar Norway Maple</u> (Acer platanoides Columnare 'Olmsted'), (Spring or fall)	Bareroot	\$37.00
5. <u>Ivory Silk Japanese Lilac</u> (Syringa reticulata 'Ivory Silk') (Spring or fall)	Bareroot	\$37.00
6. <u>Hedge Maple</u> (Acer campestre) (Spring or fall)	Bareroot	\$37.00
7. <u>Crimson King Maple</u> (Acer platanoides, 'Crimson King') (Spring or fall)	Bareroot	\$37.00
8. <u>Pyramidal European Hornbeam</u> (Carpinus betulus fastigiata) (Spring only)	Bareroot	\$46.00

continued...

<u>TYPE OF TREE</u>		<u>UNIT BID PRICE</u>
9.	<u>Aristocrat Flowering Pear</u> (Pyrus calleryana 'Aristocrat') (Spring only) Bareroot	\$43.00
10.	<u>Bradford Flowering Pear</u> (Pyrus calleryana 'Bradford') (Spring only) Bareroot	\$43.00
11.	<u>Cleveland Select Flowering Pear</u> (Pyrus calleryana 'Cleveland Select') (Spring only) Bareroot	\$43.00
12.	<u>Redspire Flowering Pear</u> (Pyrus calleryana 'Redspire') (Spring only) Bareroot	\$43.00
13.	<u>Skyline Honeylocust</u> (Gleditsia triacanthos inermis 'Skyline') (Spring or fall) Bareroot	\$37.00
14.	<u>Glenleven Linden</u> (Tilia cordata 'Glenleven') (Spring or fall) Bareroot	\$37.00
15.	<u>Greenspire Linden</u> (Tilia cordata 'Greenspire') (Spring or fall) Bareroot	\$40.00
16.	<u>Summit Ash</u> (Fraxinus pennsylvanica lanceolata 'Summit') (Spring or fall) Bareroot	\$31.00

Item No. 5 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
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 a drainage improvement project identified as the U-Crest Ditch South Channel to provide flooding relief in the area of Barone Circle and other sectors of Storm Sewer District #7, and

WHEREAS, the Town Engineer advised the Town Board that plans and specifications have been completed for bidding, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for Drainage Improvements of the U-Crest Ditch South Channel, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 4th day of August, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

*SEE NEXT TWO PAGES FOR COPY OF NOTICE TO BIDDERS

DRAINAGE IMPROVEMENTS OF THE
U-CREST DITCH SOUTH CHANNEL
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 4th day of August, 1988 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 improvements proposed for the South U-Crest Ditch Area, 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 Drainage Improvements of the U-Crest Ditch South Channel".

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.

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 90 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 18, 1988

PUBLISHED: July 21, 1988

MEETING NO. 15
July 18, 1988

Item No. 6a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 21 1988.....;
last publication.....JUL 21 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this21st.....

day ofJuly....., 1988.....

Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 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 in 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 90 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

PUBLISH: July 21, 1988

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 4th day of August, 1988 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 improvements proposed for the South U-Crest Ditch Area, 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

Item No. 6b Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, Ron Zoeller, Sanitation Department Foreman, has requested that bids be received for the purchase of trucks with refuse packers for the Sanitation Department, and

WHEREAS, funds have been allocated for said trucks with refuse packers, 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 purchase of Trucks with refuse Packers, said notice to be published in THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 1st of August at 11:00 A.M., Local Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

Motion by Councilman Solecki Seconded by Supervisor Swiatek to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AMENDED

Motion by Councilman Solecki

seconded by Councilman Gabryszak

WHEREAS, Ron Zoeller, Sanitation Department Foreman, has requested that bids be received for the purchase of trucks with refuse packers for the Sanitation Department, 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 purchase of Trucks with Refuse Packers, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 1st day of August 1988, at 11:00 A.M., Local Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

*SEE NEXT PAGE FOR COPY OF NOTICE TO BIDDERS

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 1, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads for Three (3) or six (6) or nine (9) garbage trucks with Thirty-Two (32) cubic yard packer bodies.

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

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

By order of the Town Board of the Town of Cheektowaga,
Erie County, New York.

Richard Moleski
Town Clerk

Dated: July 18, 1988

Item No. 6b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

....., 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 21 1988 ;
last publication..... JUL 21 1988 ;
and that no more than six days intervened be-
tween publications.

.....
Sworn to before me this 21st

day of July, 19.....

..... Justine D. Dembik

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1992

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 1, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads for Three (3) or six (6) or nine (9) garbage trucks with Thirty-Two (32) cubic yard packer bodies.

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

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

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 21, 1988

MA COMMISSION EXPIRES FEB. 18, 19
QUALIFIED IN ERIE COUNTY
NOTARY PUBLIC, STATE OF NEW YORK
JUSTINE D. DEMBIAK

MEETING NO. 15
July 18, 1988

Item No. 7a Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, Los-Green, Inc., as part of the acceptance of the Losson Green Estates Subdivision and as a prerequisite to the construction of any buildings in a portion of such subdivision, has submitted to the Town for its acceptance a warranty deed for Hillpine Road, and

WHEREAS, the Town Superintendent of Highways in the attached letter has recommended that such deed be accepted by the Town, and

WHEREAS, Los-Green, Inc. has submitted a drainage easement to the Town, as requested by the Town Engineer, and

WHEREAS, Los-Green, Inc. has also submitted a maintenance bond for the aforementioned deeded areas and a certified check to guarantee street lighting for this area to the Town, NOW, THEREFORE, BE IT

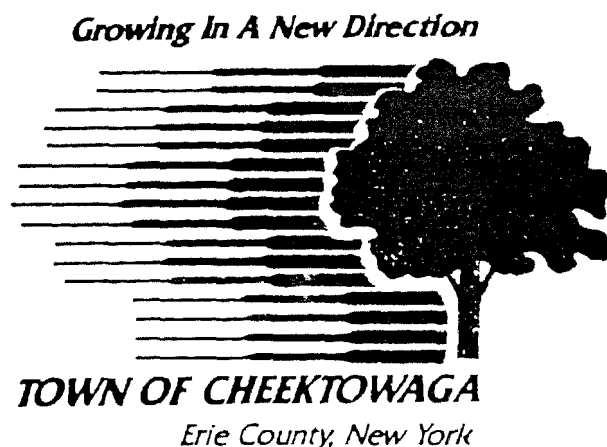
RESOLVED that the aforementioned deed, easement, maintenance bond and certified check be and hereby are accepted by this Town Board contingent upon the approval of the form thereof by the Town Attorney, and BE IT FURTHER

RESOLVED that, after approval of these documents by the Town Attorney, the Town Attorney be and hereby is directed to file the deed and easement in the Erie County Clerk's Office.

*SEE NEXT TWO (2) PAGES FOR COPY OF LETTER FROM TOWN HIGHWAY SUPERINTENDENT.

CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, N. Y. 14227-1083
(716) 686-3450
Mobile: 863-5867



HONORABLE FRANK E. SWIATEK, SUPERVISOR
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA NY 14227

Re: Acceptance of Hillpine Road (Final Portion) in the Losson Green Subdivision

COUNCILLORS:

Please be advised that timely and effective inspections during all phases of construction, have been performed by my engineer, Ted Skowron, and myself; and we find that the final portion of Hillpine Road, as herein described, does conform to the current specifications of the Town of Cheektowaga and is recommended for acceptance into our system of highways.

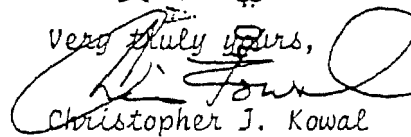
This part of Hillpine Road is more particularly described as follows:

HILLPINE ROAD - A 60'W Right of Way - from a point on the westerly extension of the southerly line of Sublot 113 (southerly line of Hillpine Road as formerly deeded to the Town of Cheektowaga) 2,164.69' Centerline Distance, to its intersection with the west line of Hillpine Road, being the southerly extension of the east line of Sublot 153. The sublots fronting on the R.O.W. are 114-153 inc. & 174-194 incl.

The deed is in the Town Attorney's office for approval and filing. The maintenance Bond is in an amount commensurate with the provisions of the Town's P.C.S.P. Ordinance. The Bond is in the Town Attorney's Office for approval. Street lighting agreement is being provided. Drainage easements as per Schedule must be filed.

TS:erp

cc: Town Engineer
Town Attorney
Building Inspector
Town Clerk
Highway Files
Ted Skowron

Very truly yours,

Christopher J. Kowal
Highway Superintendent

SCHEDULE A

ALL THAT PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lots 59 and 60, as shown on Map of Losson Green Estates, prepared by Elwood D. Hummel, L.S., as filed in the Erie County Clerk's Office under Map Cover 2464, being described as follows:

Sublot No. 136, the northerly 13.5 feet.

Sublot No. 137, the southerly 13.5 feet.

Sublot No. 142, the northerly 5 feet and the north-easterly 5 feet.

Sublot No. 143, the northeasterly 5 feet.

Sublot No. 144, the northeasterly 5 feet and the southeasterly 5 feet.

Sublot No. 145, the northwesterly 5 feet and the northeasterly 5 feet.

Sublots 146-153 inclusive, the northeasterly 5 feet.

MEETING NO. 15
July 18, 1988

Item No. 7a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 7b Motion by Councilman Solecki Seconded by Councilman Johnson

WHEREAS, Michael Wycocki, as part of the acceptance of the Losson Meadows Subdivision and as a prerequisite to the construction of any buildings in such subdivision, has submitted to the Town for its acceptance a warranty deed for the following highways:

1. Cherrywood Drive
2. Baywood Drive

and,

WHEREAS, the Town Superintendent of Highways in the attached letter has recommended that such deed be accepted by the town, and

WHEREAS, Michael Wycocki has submitted a drainage easement to the Town, as requested by the Town Engineer, and

WHEREAS, Michael Wycocki has also submitted a maintenance bond for the aforementioned deeded areas and a certified check to guarantee street lighting for this area to the Town, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned deed, easement, maintenance bond and certified check be and hereby are accepted by this Town Board contingent upon the approval of the form thereof by the Town Attorney, and BE IT FURTHER

RESOLVED that, after approval of these documents by the Town Attorney, the Town Attorney be and hereby is directed to file the deed and easement in the Erie County Clerk's Office

*SEE NEXT TWO (2) PAGES FOR COPY OF LETTER FROM TOWN HIGHWAY SUPERINTENDENT.

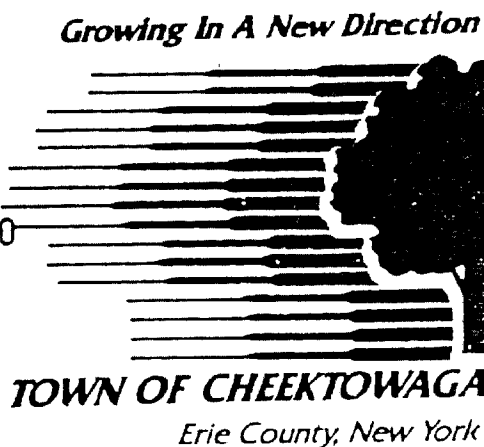
CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, N. Y. 14227-1083
(716) 686-3450
Mobile: 863-5867

RECEIVED

1988 JUL 14 AM 11:40

CHEEKTOWAGA
TOWN CLERK



July 14, 1988

Honorable Frank Swiatek, Supervisor
Honorable Town Board Members
Town of Cheektowaga, NY 14227

Councillors:

RE: Acceptance of-Part of Cherrywood Drive, Part of Baywood Drive, in the Losson Meadows Subdivision, Phase 1

Please be advised that timely and effective inspections during all phases of construction, have been performed by my Engineer, T. Skowron and myself; and we find the below described streets do conform to the current standards of the Town of Cheektowaga and we recommend acceptance as Town highways.

The streets are more particularly described as:

Cherrywood Drive-A 60' w. right-of-way, beginning in the west r.o.w. line of Borden Rd.; south of Losson Rd. and north of Castlewood Dr., thence proceeding westerly for a distance of $\pm 1503.25'$ to a point of curve, thence south-west and south a distance of $\pm 189.87'$ to the south line of S.L. #28. The sublots fronting are 1-49, incl.

Baywood Drive-A 60' w. right-of-way, beginning in the south r.o.w. line of Cherrywood Dr; west of Borden Rd.; thence proceeding southerly for a distance of $\pm 184.75'$ to an extension of the south line of subplot #41. Fronting sublots 41-42 & 43.

The deed is in the Town Attorney's office for approval and filing. The maintenance bond is in an amount commensurate with the provisions of the Town's P.I.P. Ordinance. The bond is in the Town Attorney's office for approval. A street lighting agreement is being provided. Drainage easements are to be filed.

Trusting this meets with your approval, I remain,

Very truly yours,

Christopher J. Kowal
Superintendent of Highways

cc: Town Engineer
Town Attorney
Town Clerk
Building Inspector
Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

Item No. 7b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, the New York State Senate and the New York State Assembly has approved legislation (Assembly Bill 8657; Senate Bill 6625) to reinstate the death penalty in New York State, and

WHEREAS, through this legislation the death penalty would only be applied in circumstances where an offender committed murder against peace officers, corrections officers and other limited circumstances, and

WHEREAS, Governor Mario Cuomo has vetoed this legislation, and

WHEREAS, the New York State Senate has voted to override the Governor's veto, and

WHEREAS, the New York State Assembly will soon consider an override vote on this issue, and

WHEREAS, this Town Board and a significant number of Cheektowaga citizens believe that reinstatement of the death penalty would be an effective deterrent against the most heinous crime of murder, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga town Board hereby memorializes the New York State Assembly to support the override of Governor Cuomo's veto of Assembly Bill No. 8657/Senate Bill No.6625 supporting the death penalty, and BE IT FURTHER

RESOLVED that copies of this resolution be forwarded to Mel Miller, Speaker of the Assembly, Assemblyman Paul Tokasz and Assemblyman Vincent Graber.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
and Solecki
NAYES: Councilman Kazukiewicz
ABSENT: 0

Item No. 8b Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, all current members of the Buffalo Sewer Authority are residents of the City of Buffalo, and

WHEREAS, a substantial amount of effluent which is channeled through and treated by the Buffalo Sewer Authority facilities originates in suburban communities outside the City of Buffalo, and

WHEREAS, suburban residents consequently are subjected to tax levies imposed by suburban sewer districts which are paid to the Buffalo Sewer Authority, which has an influence on suburban sewer rates, and

WHEREAS, the system as it is currently structured, effectively denies suburban residents with representation on the Buffalo Sewer Authority and the opportunity to have their voices heard on matters which directly affect them, and

WHEREAS, this system is inequitable and unjust, and needs to be remedied, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the State Senate, Assembly and Governor Cuomo to amend the Public Authorities Law to allow the Town and other municipalities outside of Buffalo to become a member of the Buffalo Sewer Authority, and BE IT FURTHER

MEETING NO. 15
July 18, 1988

Item No. 8b Cont'd.

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul Tokasz, Senator Dale Volker and Governor Cuomo.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8c Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Federal Commercial Motor Vehicle Safety Act requires operators of fire emergency vehicles to obtain a commercial class motor vehicle license, and

WHEREAS, such requirement is very costly and time-consuming, especially for volunteer firefighters who are not paid, and risk their lives in order to protect our lives and property, and

WHEREAS, legislation has been proposed in the United States Senate (S.2116) and the House of Representatives (H.R. 4011) to amend the Commercial Motor Vehicle Safety Act to exclude vehicles used for fire fighting purposes from such Act, and

WHEREAS, another bill has been submitted in the United States Senate (S.2258) to require the U.S. Department of Transportation to create the exemptions set forth in S.2116 and H.R.4011 within six months, and

WHEREAS, this Town Board feels that vehicles used for fire fighting purposes should be exempted from the Commercial Motor Vehicle Safety Act, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby supports Senate bills S.2116 and S.2258 and Congressional bill H.R.4011 and memorializes the U.S. Senate and House of Representatives to enact such bills, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to U.S. Senators Alfonse D'Amato and Daniel P. Moynihan; U.S. Congressman Henry J. Nowak; and President Ronald W. Reagan.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8d Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, the Kensington Expressway (Route 33 W) is a State-owned highway, and

WHEREAS, a portion of the Kensington Expressway runs along the rear of homes fronting on Westbrook Drive, and

WHEREAS, the noise, fumes and dirt created by vehicles using the Kensington Expressway makes the rear yards of such homes on Westbrook Drive unusable, and

WHEREAS, residents along Westbrook Drive have requested the installation of noise barriers along their property lines to alleviate the existing conditions, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the NYS Department

MEETING NO. 15
July 18, 1988

Item No. 8d Cont'd.

of Transportation (NYSDOT) to install noise barriers along the rear of properties fronting on the south side of Westbrook Drive in the Town, and BE IT FURTHER

RESOLVED that this Town Board hereby memorializes the State Legislature and Governor Cuomo to appropriate funds in the 1989-90 budget for the installation of such noise barriers, and, BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NYSDOT, Assemblyman Paul Tokasz, Senator Dale Volker and Governor Mario Cuomo.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Johnson Seconded by Councilman Kazukiewicz

WHEREAS, this Town Board had authorized the purchase of abandoned railroad property from Conrail as part of its roll to provide a drainage system for the southwest area of the Town, and which copy of transfer has been completed, and

WHEREAS, it is advisable to purchase the remainder of the Conrail right-of-way starting at William Street and extending northeasterly in order to provide a drainage system that will divert storm waters from exiting through the Village of Sloan and to also provide drainage relief for Town streets in the vicinity of said railroad right-of-way, NOW, THEREFORE, BE IT

RESOLVED that the Town Attorney is directed and authorized to begin negotiations with Conrail for the Town acquisition of the balance of the abandoned railroad right-of-way, AND, BE IT FURTHER

RESOLVED that funding for miscellaneous costs involved in the acquisition, not to exceed \$9,500, of said railroad right-of-way is to be obtained through a transfer of funds from the fund balance of Storm Sewer District #5 into Capital Project Fund #05-8808-8145-0400.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10a Motion by Councilman Kazukiewicz Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Central School District is the owner of the Alexander Street Middle School property located at 275 Alexander Avenue, Cheektowaga, New York, and

WHEREAS, pursuant to section 405 of the Education Law, the voters of the Cheektowaga Central School District have authorized the conveyance of the afore-said school property to the Town of Cheektowaga, "conditioned upon payment by the town to the School district of . . . \$25,000.00 . . . to cover the expense of maintaining, marketing, closing costs, and other related expenses", and

WHEREAS, this Town Board has conducted a thorough investigation into the public uses of such property,

NOW, THEREFORE, BE IT RESOLVED that this Town Board determines that the acceptance of the conveyance of the Alexander Street Middle School property upon the terms and conditions prescribed by the Cheektowaga Central School District Board of Education is in the public interest, and it is FURTHER

RESOLVED that the Supervisor be and he hereby is authorized to exe-

MEETING NO. 15
July 18, 1988

Item No. 10a Cont'd.

cute a contract for the aforesaid conveyance upon the terms and conditions specified by the resolution of the voters of the Cheektowaga Central School District.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, this Town Board is concerned about the ability of Slate Bottom Creek to handle storm water flows with the expectation of additional flows from the upstream area, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated June 6, 1988 for performing a detailed computerized hydraulic study of the Slate Bottom Creek basin and to provide a Storm Water Management Plan for development along the Slate Bottom Creek watershed, inclusive of upstream communities, and suggestions of improvements throughout this waterway, be and hereby is accepted and approved, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc. for said study of Slate Bottom Creek, AND, BE IT FURTHER

RESOLVED that funding in the amount of \$32,000 for the preparation of the Storm Water Management Study is to be charged to Account #03--8540-0004-4572

* * * * *

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz and Councilman Kulyk to table the above resolution and refer it to the Public Works Committee.

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 10c Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, this Town Board, in its roll of increasing detention basin facilities in the upstream area of Scajaquada Creek and its tributaries as part of its Storm Water Management Program, and

WHEREAS, the U-Crest Ditch and the Dean/Hyland area of Storm Sewer District #7 have been targeted for improvements, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the town Engineer and dated May 10, 1988 for the preparation of a report to determine the feasibility of providing storm water detention facilities at the headwaters of the U-Crest Ditch and at the upstream area of Storm Sewer District #7 with said investigation to determine the location and extent of airport drainage into the U-Crest Ditch be and hereby is accepted and approved, and, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this town Board, is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc., and, BE IT FURTHER

RESOLVED that funding in the amount of \$28,880 is to be provided by the transfer of funds from the unappropriated fund balance of Storm Sewer District #3 and Storm Sewer district #7 Extension to Capital Project Account #05-8807-8148-0400.

MEETING NO. 15
July 18, 1988

Item No. 10c Cont'd.

* * * * *

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz and Councilman Kulyk to table the above resolution and refer it to the Public Works Committee.

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 10d Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, residents along Scajaquada Creek Tributary T-1 in the area north of Walden Avenue, west of the Thruway and south of Scajaquada Creek have expressed concerns about the improvements of a drainage system along Walden Avenue and Harlem Road by the New York State Department of Transportation, which improvements would increase the potential of flooding along said tributary, and

WHEREAS, this Town Board is interested in developing a program of drainage improvements which, in addition to the diversion of storm waters currently being accomplished, will provide for further relief to residents along said tributary, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Camp, Dresser & McKee, as submitted to the Town Engineer and dated May 9, 1988 for a study of Scajaquada Creek Tributary T-1, be and hereby is accepted and 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 Camp, Dresser & McKee, and, BE IT FURTHER

RESOLVED that the cost for said study in the amount of \$23,100 is to be chargeable to Account #03-8540-0004-4572.

* * * * *

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz and Councilman Kulyk to table the above resolution and refer it to the Public Works Committee.

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 10e Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, this Town Board is desirous of providing for additional storm water detention in the upstream area of Scajaquada Creek, and

WHEREAS, the consulting firm of Camp, Dresser & McKee was engaged by the Town in a review of the Storm Water Management Program as submitted for the Walden Galleria and which investigation has provided data that can be utilized in an Upstream Improvement Study, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Camp, Dresser & McKee, as submitted to the Town Engineer and dated May 9, 1988 for determining the possibility of providing additional storage capacity along Scajaquada Creek and to evaluate the impact of upstream development in the Villages of Depew and Lancaster, be and hereby is accepted and approved, and, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Camp, Dresser & McKee, and, BE IT FURTHER

MEETING NO. 15
July 18, 1988

Item No. 10e Cont'd.

RESOLVED that funds for said Upstream Scajaquada Creek Study in the amount of \$30,080 be and hereby is to be provided by the transfer of funds from the unappropriated fund balance to Capital Project Account #05-8805-8146-0400.

* * * * *

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz and Councilman Kulyk to table the above resolution and refer it to the Public Works Committee.

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 11 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, Church World Service (CWS) and Cheektowaga Clergy Association (CCA) desire to sponsor a fund-raiser and consciousness-raising event in the Town of Cheektowaga in celebration of World Food Day and to help hungry people nationally and internationally through emergency food assistance and development projects, and

WHEREAS, Robert C. Hutchinson, Pastor, Cleveland Hill Evangelical Lutheran Church has requested permission from this town Board to plan and supervise a ten kilometer "crop walk" on Sunday, October 16, 1988 beginning at 1:30 P.M. in the town, and

WHEREAS, such CROP WALK is planned to begin at Cleveland Hill Lutheran church and will proceed down Cleveland Drive to Union Road to Maryvale Drive, across the footpath over the NYS Thruway, to Rosary Boulevard, to Maryvale Drive, to Harlem Road, to Cleveland Drive, and will conclude at Cleveland Hill Lutheran Church, and

WHEREAS, CWS and CCA have insurance coverage to protect event participants against accidental injury or death, and

WHEREAS, up to 25% of the funds raised by CWS and CCA may be returned to local agencies for programs such as the Meals on Wheels and other programs involved with feeding hungry people, and

WHEREAS, Cheektowaga's first CROP WALK held on October 20, 1985 raised \$3,851.50 to help hungry people around the world and \$1,000.00 was returned to the Town for the Town's Meals on Wheels Program, and

WHEREAS, this Town Board feels that moneys raised through CROP WALKS make significant contributions to the alleviation of hunger throughout the world and that a CROP WALK is an endeavor worthy of the Town Board's attention and approval, NOW, THEREFORE, BE IT

RESOLVED that CWS and CCA be and hereby are given permission to hold its October 16, 1988 ten kilometer walk along Cleveland Drive, Union Road, Maryvale Drive and Harlem Road in the town, and BE IT FURTHER

RESOLVED that the Chief of Police insure compliance with Section 1660(a) (6) of the Vehicle and Traffic Law of the State of New York; and he is authorized and directed to make arrangement for any and all traffic safety and escort services for such CROP WALK, and, BE IT FURTHER

RESOLVED that the Town Board hereby formally requests that CWS and CCA return 25% of the funds collected through the aforementioned CROP WALK to the Town of Cheektowaga and/or County of Erie to be used for the Town of Cheektowaga Meals on Wheels Program and other local programs involved with feeding hungry people, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this Resolution to Robert C. Hutchinson, Pastor, Cleveland Hill Evangelical Lutheran Church, 261 Cleveland Drive, Cheektowaga, New York 14215.

Item No. 11 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga makes annual grant allocations to various cultural and public benefit organizations to fund various activities and presentations which are open to the public, and

WHEREAS, there currently is no mechanism in place to monitor whether Town grants are being used for their intended purposes, and

WHEREAS, other municipalities and counties in New York State have guidelines which cultural and public agencies adhere to in order to obtain public funds, NOW, THEREFORE, BE IT

RESOLVED that the guidelines be established for any involved agencies requesting funds beginning in the 1989 fiscal year; and BE IT FURTHER

RESOLVED that no 1989 funds be released or paid to any cultural or public benefit agency until such agency adheres to these guidelines, and until said agency submits to the Town an audited financial statement listing all income and expenses for their 1988 fiscal year.

Motion by Councilman Johnson Seconded by Supervisor Swiatek to refer the above item to the Finance Committee.

*THE ABOVE RESOLUTION WAS REFERRED TO THE FINANCE COMMITTEE.

Item No. 13 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Youth Engaged in Service (Y.E.S.) Program has requested permission to conduct an overnight campout on August 12, 1988 and August 13, 1988 at John C. Stiglmeier Park, and

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, and no person shall lounge about or remain in any of the parks during the hours when so closed", NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, said waiver extended to the Cheektowaga Youth Engaged in Service (Y.E.S.) Program for the use of John C. Stiglmeier Park on August 12, 1988 and August 13, 1988, and BE IT FURTHER

RESOLVED that a copy of said resolution be forwarded to the Chief of Police, Facilities Department Director and Recreation Director.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 15
July 18, 1988

Item No. 14a Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 34 Garland Avenue,, Cheektowaga, New York, SBL #113.79-1-4 and according to the Assessor's Office is owned by Angeline Balikowski, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14b Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located South of the Edgebrook Apartment Complex (Union Road Entrance), known as 2810 Union Road,, Cheektowaga, New York, SBL # 113.12-3-12 and according to the Assessor's Office is owned by Richard J. Powers and Wife, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Thomas Trzaska, motor equipment operator (MEO-B) in the Sanitation Department, is no longer able to perform his duties due to disability and has in fact, not worked for the Town since March of 1986, NOW, THEREFORE, BE IT

RESOLVED that Thomas Trzaska be and hereby is terminated as a motor equipment operator in the Town Sanitation Department, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals hired as Seasonal

Item No. 15b Cont'd.

and/or Part-time employees in the various departments listed, be and hereby are terminated:

EFFECTIVE

SANITATION DEPARTMENT

Robert Jaroszewski

Immediately

FACILITIES DEPARTMENT

Louis Cavalieri

7/6/88

Vincent Lima

Immediately

Douglas Page

Immediately

Bradd Weber

Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 16a Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated June 6, 1988, the Town Board created the part-time position of Assistant Building Inspector in the Town of Cheektowaga, and

WHEREAS, Jerome A. Bauer has applied for and meets the qualifications of such position, NOW, THEREFORE, BE IT

RESOLVED that Jerome A. Bauer of be and hereby is appointed to the part-time position of Assistant Building Inspector at an annual salary of \$8,000.

Motion by Supervisor Swiatek Seconded by Councilman Johnson to table the above resolution.

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 16b Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, by resolution dated July 5, 1988, this Town Board created the promotional position of Principal Engineer in the Highway Department, and

WHEREAS, Thaddeus Skowron, Sr. Engineer Assistant in the Highway Department, appears on the eligible list for such position, and applied for such position, NOW, THEREFORE, BE IT

RESOLVED that Thaddeus Skowron be and hereby is appointed to the promotional position of Principal Engineer Assistant in the Highway Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employee's Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

MEETING NO. 15
July 18, 1988

Item No. 16c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Richard Wilson, formerly a Pump Operator in the Main Pump Station, has transferred to the Sanitation Department by exercising his seniority rights under Article 19.06 of the Collective Bargaining Agreement between the and the Town of Cheektowaga Employee's Association, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that Richard Wilson be and hereby is appointed to the position of Laborer in the Sanitation Department, at a salary in accordance with the Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employee's Association, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17a Motion by Councilman Gabryszak Seconded by Councilman Solecki

~~BE~~ IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1988 summer program:

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

David Caprio
Kevin Caprio
Lisa Siembida
Timothy Spoly
Eric Thomsen
Michael Mekarski

~~BE~~ IT FURTHER RESOLVED that Julianna Conway be transferred from Recreation Leader to arts and Crafts Supervisor:

RECREATION LEADER - \$4.25 per hour - A7140.1614

ARTS & CRAFTS SUPERVISOR - \$180.00 per week - A7140.1613

Julianna Conway

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki
NAYES: Councilman Kulyk
ABSENT: 0

Item No. 17b Motion by Councilman Kazukiewicz Seconded by Councilman Kulyk

~~BE~~ IT RESOLVED that the following individual be hired at the designated title and salary listed below:

Alternate - New York State Conservation Corps or
Cheektowaga Conservation Corps - \$3.35 per hour

James Rogowski

Sloan, NY

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17c Motion by Councilman Solecki Seconded by Councilman Gabryszak

~~BE~~ IT RESOLVED that the following individuals be and hereby are hired

MEETING NO. 15
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Item No. 17c Cont'd.

as Seasonal and/or Part-time Employees in the various Departments and at the rates listed:

EFFECTIVE

SANITATION DEPARTMENT - Part-time - \$5.00 per hour

Christian Ozolins
Scott Weaver

Immediately
Immediately

POLICE DEPARTMENT - Seasonal - \$3.35 per hour

Sherry Reback

7/5/88
(retro.)

FACILITIES DEPARTMENT - Seasonal - \$3.35 per hour

Robert Nowak

Immediately

AND BE IT FURTHER

RESOLVED that Brian Tokarczyk, hired in the Youth Bureau as a New York State Conservation Corps Alternate, be and hereby is transferred to the Recreation Department as a Basket Checker at a rate of \$2.50 per hour.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, the following individuals have been hired in the Facilities Department as Seasonal Employees, and

WHEREAS, these individuals have completed more than 18 months of continuous service to the Town, NOW, THEREFORE, BE IT

RESOLVED that the pay rate for the following individuals be and hereby is increased from \$3.35 per hour to \$4.00 per hour, effective immediately:

01-007110-1-0-1491-001 - Parks Division

Bruce Blachowski
John Bratel
Richard Coffta
Gordon Hagmier
John Kochel
Felix Lampke
Joseph Lenartowicz
John Mueller
Randy Palmisano
Stanley Siejak
Joseph Dolecki
Henry Rogalski
Cam Viverto

01-001625-1-0-1491-001 - Building Maintenance Division

Joseph Coffta
Steve Dunkowski
Francis Strong

01-001625-1-0-1391 - Building Maintenance Division, Clerical

Joanne Krajewski

Item No. 18a Cont'd.

* * * * *

Motion by Councilman Kulyk Seconded by Councilman Jaworowicz to table the above resolution and refer it to the Labor Management Committee.

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 18b Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, a resolution was passed at the Town Board meeting of June 20th with various hirings, upgradings and terminations, and

WHEREAS, a mistake caused one individual to receive an erroneous hourly rate, BE IT

RESOLVED that Deborah Ryan be elevated to the position of Administrative Intern (7310.1804), Level I, at the corrected rate of pay of \$4.00 per hour, retroactive to June 20th.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

WHEREAS, Richard Kozell, a Police Officer, has applied for a Military Leave of Absence from August 15, 1988 through August 28, 1988, 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 duty, NOW, THEREFORE, BE IT

RESOLVED that Officer Richard Kozell is granted a military leave of absence from August 15, 1988 through August 28, 1988, and BE IT FURTHER

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

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20a Retain firm to perform architectural work for Dispatch Room.
This item was withdrawn.

Item No. 20b Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, this Town Board desires to convert the three (3) 75 foot diameter sludge digesters located at the Plant #5 site into garage and storage facilities, and

Item No. 20b Cont'd.

WHEREAS, there is need to prepare design drawings to establish the plan for such garage space and to determine the costs for such facilities, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated May 20, 1988 for the preparation of design drawings, be and hereby is accepted and approved, and, BE IT FURTHER

RESOLVED that the cost for said consulting services in the amount of \$19,500 is to be charged to Capital Fund Account #05-8806-8135-0400 and that a transfer of that amount shall be made to this account from Account #25-8135-0004-4581 (\$13,500) and Account #25-8135-0004-4547 (\$6,000).

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 21 Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, on July 5, 1988, this Town Board approved Change Order No. 1 for an addition of \$2,650.00 to the contract of GBH Paving, Inc. for improvements to Rehm Road Park and Stiglmeier Park, which amount was incorrectly stated on said resolution, and

WHEREAS, the correct amount of the Change Order No. 1 addition for said contract should have read \$2,850.00, NOW, THEREFORE, BE IT

RESOLVED that this Town Board rescinds the previous resolution of July 5, 1988 and approves this resolution for Change Order No. 1 in the amount of \$2,850.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Kulyk to dispense with the reading of the figures on Item No. 22 and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

* * * * *

Item No. 22 Motion by Supervisor Swiatek Councilman Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	1220.1304	(Supervising Accountant)	\$ 7,010.25
	1910.4711	(Contingency)	41,500.00
	1910.4711	(Contingency)	5,000.00
	1910.4711	(Contingency)	25,000.00
	1910.4711	(Contingency)	720.00

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Item No. 22 Cont'd.

TO:	1430.4502	(Personnel-Legal)	\$ 7,010.25
	5132.4458	(Highway-Salt Barn)	41,500.00
	5132.4458	(Highway-Salt Barn Electrical)	5,000.00
	1910.4459	(Alexander St. School)	25,000.00
	7310.4671	(Youth-Service Projects)	720.00

HIGHWAY FUND

FROM:	5141.1421	(Auto Mech. Helper)	10,500.00
	5141.1412	(Laborer)	27,000.00
TO:	5141.1491	(Part-time Laborer)	10,500.00
	5141.1491	(Part-time Laborer)	27,000.00

CAPITAL FUND

FROM:	5031.0000	(Interfund Transfer In)	30,080.00
	5031.0000	(Interfund Transfer In)	19,500.00
	5031.0000	(Interfund Transfer In)	28,880.00
	5031.0000	(Interfund Transfer IN)	9,500.00
TO:	8805.8146.0400	(Scajaquada Creek-Upstream Project)	30,080.00
	8806.8135.0400	(Sludge Digester Conversion)	19,500.00
	8807.8145.0400	(U-Crest Ditch & Dean/Hyland Improvements)	28,880.00
	8808.8145.0400	(Conrail Properties)	9,500.00

SPECIAL DISTRICT FUND

FROM:	8125.4543	(Contracted Sewer Repair)	2,312.50
	8135.4581	(Consulting Engineer)	13,500.00
	8135.4547	(Sludge Removal)	6,000.00
	599.0000	(Appropriated Fund Balance)	21,000.00
	599.0000	(Appropriated Fund Balance)	9,500.00
	599.0000	(Appropriated Fund Balance)	30,080.00
TO:	8125.4964	(Roycroft-Maintenance)	2,312.50
	8135.9950	(Transfer to Capital Fund)	13,500.00
	8135.9950	(Transfer to Capital Fund)	6,000.00
	8143.9950	(Transfer to Capital Fund)	21,000.00
	8145.9950	(Transfer to Capital Fund)	9,500.00
	8146.9950	(Transfer to Capital Fund)	30,080.00
	8148.9950	(Transfer to Capital Fund)	7,880.00

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Gabryszak to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

* * * * *

AMENDED

Motion by Supervisor Swiatek seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

Item No. 22 Cont'd.

GENERAL FUND

FROM:	1220.1304	(Supervising Accountant)	\$ 7,010.25
	1910.4711	(Contingency)	41,500.00
	1910.4711	(Contingency)	5,000.00
	1910.4711	(Contingency)	25,000.00
	1910.4711	(Contingency)	720.00
	1910.4711	(Contingency)	31,000.45
TO:	1430.4502	(Personnel-Legal)	7,010.25
	5132.4458	(Highway-Salt Barn)	41,500.00
	5132.4458	(Highway-Salt Barn Electrical)	5,000.00
	1910.4459	(Alexander St. School)	25,000.00
	7310.4671	(Youth-Service Projects)	720.00
	1440.4594	(Prop. Imp. Permit-Consultants)	31,000.45

HIGHWAY FUND

FROM:	5141.1421	(Auto Mech. Helper)	10,500.00
	5141.1412	(Laborer)	27,000.00
TO:	5141.1491	(Part Time Laborer)	10,500.00
	5141.1491	(Part Time Laborer)	27,000.00

CAPITAL FUND

FROM:	5031.0000	(Interfund Transfer In)	30,080.00
	5031.0000	(Interfund Transfer In)	19,500.00
	5031.0000	(Interfund Transfer In)	28,880.00
	5031.0000	(Interfund Transfer In)	9,500.00
TO:	8805.8146.0400	(Scaj. Creek-Upstream Proj.)	30,080.00
	8806.8135.0400	(Sludge Digester Conversion)	19,500.00
	8807.8148.0400	(U-Crest Ditch & Dean/Hyland Improvements)	28,880.00
	8808.8145.0400	(Conrail Properties)	9,500.00

SPECIAL DISTRICT FUND

FROM:	8125.4543	(Contracted Sewer Repair)	2,312.50
	8135.4581	(Consulting Engineer)	13,500.00
	8135.4547	(Sludge Removal)	6,000.00
	599.0000	(Appropriated Fund Balance)	21,000.00
	599.0000	(Appropriated Fund Balance)	9,500.00
	599.0000	(Appropriated Fund Balance)	30,080.00
TO:	8125.4964	(Roycroft-Maintenance)	2,312.50
	8135.9950	(Transfer to Capital Fund)	13,500.00
	8135.9950	(Transfer to Capital Fund)	6,000.00
	8143.9950	(Transfer to Capital Fund)	21,000.00
	8145.9950	(Transfer to Capital Fund)	9,500.00
	8146.9950	(Transfer to Capital Fund)	30,080.00
	8148.9950	(Transfer to Capital Fund)	7,880.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 23

Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to July 18th, 1988 are hereby approved and the Supervisor

Item No. 23 Cont'd.
is ordered to pay said warrants.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 2,541.889.21
HIGHWAY FUND	696,909.36
FEDERAL REVENUE SHARING FUND	28,489.00
CAPITAL FUND	374,738.65
TRUST AND AGENCY FUND	336,373.96
HUD-CDBG FUND	5,483.00
PART TOWN FUND	51,578.59
RISK RETENTION FUND	20,789.28
DEBT SERVICE FUND	16,178.00
HUD REHABILITATION FUND	5,538.00
SPECIAL DISTRICTS FUND	948,293.35
	<u>\$ 5,026,260.40</u>

Motion by Supervisor Swiatek Seconded by Councilman Kulyk to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AMENDED

Motion by Supervisor Swiatek seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to July 18th, 1988 are hereby approved and the Supervisor is ordered to pay said warrants.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL	\$2,572,889.66
HIGHWAY FUND	696,909.36
FEDERAL REVENUE SHARING FUND	28,489.00
CAPITAL FUND	374,738.65
TRUST AND AGENCY FUND	336,373.96
HUD-CDBG FUND	5,483.00
PART TOWN FUND	51,578.59
DEBT SERVICE FUND	16,178.00
HUD REHABILITATION FUND	5,538.00
SPECIAL DISTRICTS FUND	948,293.35
	<u>\$5,057,260.85</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. FROM THE TABLE

Item No. 24a Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

MEETING NO. 15
July 18, 1988

Item No. 24a Cont'd.

WHEREAS, David J. Wybieracki, agent for Benderson Development Co., Inc. applied for a Special Permit for a mobile home park on property located adjacent to the NYS Thruway on the south side of Broadway east of Kennedy Road, 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 June, 1988 at 6:30 o'clock P.M. of said day for the purpose of considering said application 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 introduction of a commercial use in a manufacturing district would be incompatible with the surrounding development and uses and would constitute spot zoning, NOW, THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is denied for the above mentioned reason.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki
NAYES: 0
ABSTAINED: Councilman Kulyk
ABSENT: 0

Item No. 24b Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, David J. Wybieracki has petitioned for the rezoning from M2-General Manufacturing District to CM-General Commercial District of property owned by Benderson Development Co., Inc. and located adjacent to the NYS Thruway, south of Broadway and east of Kennedy 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 June, 1988 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of Chapter 82 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 introduction of a commercial use into a manufacturing district would be incompatible with the surrounding development and uses and would constitute spot zoning, NOW, THEREFORE, BE IT

RESOLVED that the application of David J. Wybieracki for the rezoning from M2-General Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and hereby is denied for the above mentioned reason.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki
NAYES: 0
ABSTAINED: Councilman Kulyk
ABSENT: 0

Item No. 25 Motion and Seconded by Councilman Johnson, Jaworowicz, Gabryszak, Kulyk, Kazukiewicz, and Solecki

WHEREAS, the costs of running government seem to continually be on the rise, AND

WHEREAS, such rising costs are occurring in part because of the increase in postage from 22¢ to 25¢ earlier this year, AND

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Item No. 25 Cont'd.

WHEREAS, government officials, in an attempt to correspond with and keep citizenry informed and cognizant of governmental action, utilize the mail system on a regular basis, AND

WHEREAS, this Town Board, in an effort to keep the tax rate and Town spending to a minimum, are desirous of establishing a limit on the postage costs incurred by each Councilman, AND

WHEREAS, Councilmen have other avenues (i.e. news media) to keep our constituents informed, AND

WHEREAS, it is felt that an annual postage appropriation of \$500.00 per Councilman would still enable each Councilman to keep in touch with his/her constituents while at the same time curtailing unnecessary expenditures, NOW, THEREFORE, BE IT

RESOLVED that postage accounts for each Councilman in the amount of \$200.00 for the remainder of the 1988 calendar year be and hereby are established in the Council Office budget, AND, BE IT FURTHER

RESOLVED that Joan E. Dudek, Receiver of Taxes and officer in charge of the Town's mailing function, be and hereby is assigned to monitor all mailing expenses of the Councilmen and issue a monthly report to be filed with the town Clerk for public inspection, AND, BE IT FURTHER

RESOLVED that any Councilman exceeding his or her personal allocation be required to reimburse the Town for such postage expense.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Kulyk,
Kazukiewicz and Solecki
NAYES: Councilman Gabryszak
ABSENT: 0

Item No. 26 Motion by Councilman Johnson, seconded by Councilman Jaworowicz

WHEREAS, Los-Green Inc., the developer of the Losson Green Estates Subdivision, has completed the installation of the street lighting system as required in conjunction with development of Phase 6 of said subdivision, AND

WHEREAS, in accordance with the Public Improvement Permit Ordinance, the developer has previously placed funds in escrow with the Town as surety, in lieu of a Performance Bond, to guarantee installation of the subject street lighting system, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$5,600.00 currently being held in escrow by the Town, together with accrued interest, be released to the person or persons who had deposited same, and, BE IT FURTHER

RESOLVED that the luminaires, fiberglass standards, conductors and conduit for the below described installations, whose ownership has been transferred to the Town, are to be maintained by the Town of Cheektowaga, and the connections, energy and lamp replacements are to be supplied by the New York State Electric & Gas Corporation.

STREET LIGHTING EQUIPMENT

LOCATION

Standard No. 6	Westerly side of Hillpine Road between S.L. 74 & S.L. 74
Standard No. 7	Westerly side of Hillpine Road between S.L. 77 & S.L. 78
Standard No. 8	Easterly side of Hillpine Road between S.L. 110 & S.L. 111
Standard No. 9	Easterly side of Hillpine Road between S.L. 113 & S.L. 114
Standard No. 6	Northerly side of Rushford Lane

MEETING NO. 15
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Item No. 26 Cont'd.

Standard No. 7

mid-point of S.L. 84
Southerly side of Rushford Lane
between S.L. 156 & 157

Standard No. 8

Southerly side of Rushford Lane
at the intersection of Hillpine Road

Motion and Second Unanimously to table the above resolution.

*THE ABOVE RESOLUTION WAS TABLED.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 27a Cheektowaga Traffic Safety Commission: Minutes of June 1988 meeting.
Received and filed.

Item No. 27b Cheektowaga Planning Board: Minutes of June 1988 meeting.
Received and filed.

V. GENERAL COMMUNICATIONS

Item No. 28a New York State Department of Transportation: Designation of
Restricted Highway - portion of Union Road.
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary; Cheektowaga Traffic Safety
Commission; Christopher Kowal, Highway Superintendent; and Robert
Lis, Chief of Police.
Received and filed.

Item No. 28b New York State Department of Transportation: Designation of
Restricted Highway - portion of Kensington Expressway.
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary; Cheektowaga Traffic Safety
Commission; Christopher Kowal, Highway Superintendent; and Robert
Lis, Chief of Police.
Received and filed.

Item No. 29 Summons and Complaint: Goldome vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman.
Received and filed.

Item No. 30 Order to Show Cause: M.J. Ogiony Builders, Inc. etal, vs. Town of
Cheektowaga
Copies of this Order were sent to: Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary; Ronald Marten, Building Inspector;
and Sam LaGreca, Chairman of Planning Board.
Received and filed.

Item No. 31 Notice of Petition & Summons - Julian Polanski, D. Sager, etc. vs.
Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Karen McAuley,
Council Secretary, Chester Bryan, Town Engineer; and Ronald Marten,
Building Inspector;
Received and filed.

MEETING NO. 15
July 18, 1988

Item No. 32 Petition demanding Referendum to be held regarding permission for Pyramid Co. of Buffalo to construct two (2) Detention Basins on Town property.
Copies of this petition were sent to: Frank E. Swiatek, Supervisor; Karen McAuley, Council Secretary and James Kirisits, Town Attorney. Received and filed.

* * * * *

Motion by Councilman Gabryszak Seconded by Supervisor Swiatek to suspend the rules to include the following, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

VI. SUSPENSION OF RULES

Item No. 33 Contract Western New York Business Services to review software packages offered by Business Records Corporation

Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

WHEREAS, Counterpoint Institute, in their study of the informational needs of the various departments included recommendations to "Search for more powerful accounting and general ledger systems" as well as that "Commercial Software Packages should be researched" and

WHEREAS, the ultimate goal of said study was to develop a townwide computer system, and

WHEREAS, the Director of Administration and Finance has begun the initial review of software packages necessary for the operation of such a system, and

WHEREAS, the selection of software packages is critical to the proper functioning of a townwide computer system, NOW, THEREFORE, BE IT

RESOLVED that Western New York Business Services be contracted at a fee of \$50.00 per hour, not to exceed a total of \$250.00, to assist the Director of Administration and Finance in the initial review of the software packages being presented by Business Records Corporation on Friday, July 29, 1988. Such fees to be charged to line item #01-1220-0004-4321 computer expenses, and

BE IT FURTHER RESOLVED, that Western New York Business Services submit a proposal to the Town Board specifying the services it could perform with its related fees in regards to the final selection of computer software necessary to effectively and efficiently handle a townwide computer system in compliance with the Counterpoint Institute Study.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz to adjourn the meeting.

July 18, 1988

RICHARD M. MOLESKI, Town Clerk

MEETING NO. 16
August 1, 1988

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 1st day of August, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Bruce Chamberlin, Assistant Chief of Police; James Kirisits, Town Attorney; Christopher Kowal, Highway Superintendent; Casimir Kozminski, Assessor; Sam LaGreca, Employment and Training Director II; Ralph Majchrowicz, Supervising Accountant; Ron Marten, Building Inspector; Lee Ruth, Police Officer; John Schaller, Police Captain; Paul Tokasz, Assemblyman.

I. RESOLUTIONS

Item No. 2A Increase and Improvement of Facilities of Storm Sewer District No. 7, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

*SEE NEXT THREE PAGES FOR COPY OF ORDER CALLING FOR PUBLIC HEARING.

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 1st day of August, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor	Leo T. Kazukiewicz, Councilman
Thomas M. Johnson, Jr. Councilman	Richard B. Solecki, Councilman
Patricia A. Jaworowicz Councilman	
Dennis H. Gabryszak Councilman	
Andrew A. Kulyk Councilman	

In the Matter
of the

Increase and Improvement of Facilities of
Storm Sewer District No. 7, in the Town of
Cheektowaga, in the County of Erie, New York
pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
AUGUST 15, 1988

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Storm Sewer District No. 7, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin on such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$90,000;

Now, therefore, be it

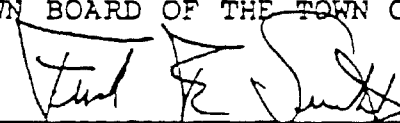
ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on

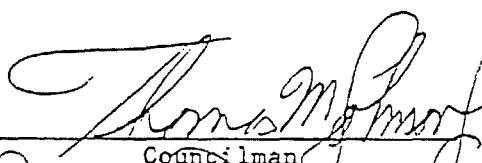
the 15th day of August, 1988 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

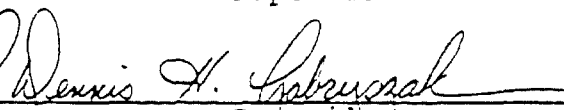
FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

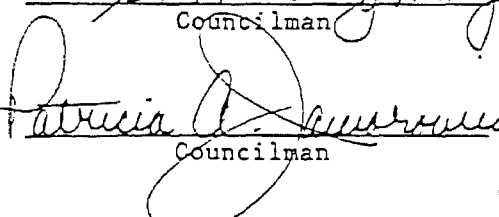
DATED: AUGUST 1, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

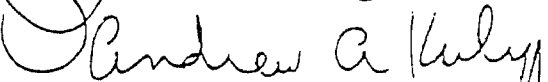

Supervisor

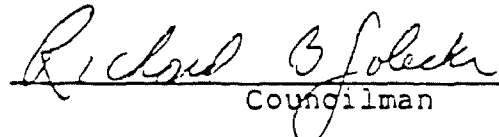

Councilman


Councilman


Councilman


Councilman


Councilman


Councilman

(SEAL)


Members of the Town Board of the Town
of Cheektowaga, New York

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

RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day of August, 1988, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 1st day of August, 1988.

(SEAL)


Town Clerk

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

.....*DANA HICKS*....., 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.....
last publication.....
and that no more than six days intervened be-
tween publications.

.....*Dana Hicks*.....

Sworn to before me this^{4th}.....

day of*August*....., 19⁸⁸..

.....*Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19⁹⁰

LEGAL NOTICE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 1st day of August, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman
Leo T. Kazukiewicz, Councilman
Richard B. Solecki Councilman

In the Matter of the Increase and Improvement of Facilities of Storm Sewer District No. 7, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON AUGUST 15, 1988

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Storm Sewer District No. 7, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin on such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be 90,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on the 15th day of August, 1988 at 7:00 o'clock pm. (Prevaling Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman
Leo T. Kazukiewicz, Councilman
Richard B. Solecki Councilman

Members of the Town Board of the Town of Cheektowaga, New York
STATE OF NEW YORK
COUNTY OF ERIE

RICHARD M. MOLESKI,
Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day August, 1988, and that the same is a true and correct copy of said original and of whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of this 1st day of August, 1988.

Richard M. Moleski

Town Clerk

PUBLISH: August 4, 1988

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 1st day of August, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor	Leo T. Kazukiewicz, Councilman
Thomas M. Johnson, Jr. Councilman	Richard B. Solecki, Councilman
Patricia A. Jaoworiwic Councilman	
Dennis H. Gabryszak Councilman	
Andrew A. Kulyk Councilman	

In the Matter
of the

Increase and Improvement of Facilities of
Sanitary Sewer District No. 5, in the Town of
Cheektowaga, in the County of Erie, New York
pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
AUGUST 15, 1988

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Sanitary Sewer District No. 5, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the

Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$700,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on the 15th day of August, 1988 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: AUGUST 1, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Smith
Supervisor

Andrew C. Kulyk
Councilman

Dennis H. Gaborzak
Councilman

Patricia A. D'Amico
Councilman

Thomas M. Gorman
Councilman

Joseph J. Gorman
Councilman

Richard B. Folger
Councilman

(SEAL)

Members of the Town Board of the Town
of Cheektowaga, New York

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

RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day of August, 1988, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 1st day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

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

.....*DANA HICKS*....., 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 04 1988 ;
last publication..... AUG 04 1988 ;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....

Sworn to before me this^{4th}.....

day of*August*....., 19⁸⁸.....

.....*Justine D. Dembiak*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19⁹⁰

ORDERED, that a meeting of the
Town Board of the Town be held at the
Town Hall, Broadway and Union
Road, in the Town, on the 15th day of
August, 1988 at 7:00 o'clock pm (pre-
siding time) to consider said increase
of the
and improvement of facilities of the
and to hear all persons inter-
esting in the same.

LEGAL NOTICE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 1st day of August, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman
Leo T. Kazukiewicz, Councilman
Richard B. Solecki Councilman

In the Matter of the
Increase and Improvement of Facilities Sanitary Sewer District No. 5, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON AUGUST 15, 1988

WHEREAS, the Town Board of the Town of Cheektowaga (herein call "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Sanitary Sewer District No. 5, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an Engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of the three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated cost \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$700,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on the 15th day of August, 1988 at 7:00 o'clock pm. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga,

New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman
Leo T. Kazukiewicz, Councilman
Richard B. Solecki Councilman
Members of the Town Board of the Town of Cheektowaga, New York

STATE OF NEW YORK COUNTY OF ERIE

RICHARD M. MOLESKI,
Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY

that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day August, 1988, and that the same is a true and correct copy of said original and of whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of this 1st day of August, 1988.

Richard M. Moleski
Town Clerk

PUBLISH: August 4, 1988

MEETING NO. 16
August 1, 1988

Item No. 2C Increase and Improvement of Facilities of the Consolidated Garbage District, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

*SEE NEXT THREE PAGES FOR COPY OF ORDER CALLING FOR PUBLIC HEARING

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 1st day of August, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman

Leo T. Kazukiewicz, Councilman
Richard B. Solecki, Councilman

In the Matter
of the

Increase and Improvement of Facilities of the Consolidated Garbage District, in the Town of Cheektowaga, in the County of Erie, New York .
pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
AUGUST 15, 1988

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Consolidated Garbage District, in the Town (herein called "District"), has determined that it is necessary to provide for the increase and improvement of facilities of the District, consisting of the acquisition of nine (9) 32 cubic yard garbage trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and said Town Board has estimated the total cost thereof to be \$940,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on the 15th day of August, 1988 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part

of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: AUGUST 1, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Smith
Supervisor

Richard B. Olecki
Councilman

Dennis H. Grabuszek
Councilman

Patricia A. James
Councilman

Thomas M. John
Councilman

John Kozielec
Councilman

Andrew A. Kulyk
Councilman

(SEAL)

Members of the Town Board of the Town
of Cheektowaga, New York

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

RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day of August, 1988, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 1st day of August, 1988.

(SEAL)


Town Clerk

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

.....DANA HICKS....., 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 04 1988..... ;
last publication.....AUG 04 1988..... ;
and that no more than six days intervened be-
tween publications.

.....[Signature].....

Sworn to before me this14th.....

day ofAugust....., 1988.....

.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

LEGAL NOTICE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 1st day of August, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman
Leo T. Kazukiewicz, Councilman
Richard B. Solecki Councilman

In the Matter of the
Increase and Improvement of Facilities of the Consolidated Garbage District, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON AUGUST 15, 1988

WHEREAS, the Town Board of the Town of Cheektowaga (herein call "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Consolidated Garbage District, in the Town (herein called "District"), has determined that it is necessary to provide for the increase and improvement of facilities of the District, consisting of the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and said Town Board has estimated the total cost therefor to be \$940,000;

Now, therefore, be it
ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on the 15th day of August, 1988 at 7:00 o'clock pm. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Swiatek, Supervisor
Thomas M. Johnson, Jr. Councilman
Patricia A. Jaworowicz Councilman
Dennis H. Gabryszak Councilman
Andrew A. Kulyk Councilman
Leo T. Kazukiewicz, Councilman
Richard B. Solecki Councilman
Members of the Town Board of the Town of Cheektowaga, New York
STATE OF NEW YORK
COUNTY OF ERIE
RICHARD M. MOLESKI,

Town Clerk of the Town of Cheektowaga, in the County of Erie, State of

New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day August, 1988, and that the same is a true and correct copy of said original and of whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of this 1st day of August, 1988.

Richard M. Moleski
Town Clerk
PUBLISH: August 4, 1988

MEETING NO. 16
August 1, 1988

Item No. 3 Motion by Councilman Kazukiewicz Seconded by Councilman Solecki

WHEREAS, by resolution dated February 18, 1975 and April 7, 1975, the Cheektowaga Town Board mandated that all present and/or future employees of the Town of Cheektowaga must be residents of the Town, and

WHEREAS, this Town Board also feels that Town employees should reside in the Town, and

WHEREAS, this Town Board wishes to strengthen and reinforce its residency requirements, and

WHEREAS, a public hearing was held on the 5th day of July, 1988 to consider the advisability of adopting Local Law No. 1 of the Year 1988 entitled "A Local Law known as Residency Law", at which hearing all persons in interest and citizens had an opportunity to be heard and were heard on such proposed Local Law, and

WHEREAS, this Town Board wishes to enact such local law, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby adopts Local Law No. 1 of the Year 1988, entitled "A Local Law known as Residency Law", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to file one (1) certified copy of such local law in his office and three (3) certified copies in the office of the Secretary of State, and BE IT FURTHER

RESOLVED that such local law shall be effective immediately upon filing with the Secretary of State.

*SEE NEXT THREE PAGES FOR COPY OF LOCAL LAW ENTITLED "RESIDENCY LAW".

RESIDENCY LAW

1. Title.

This local law shall be known as the "Residency Law of the Town of Cheektowaga".

2. Declaration of Findings and Purpose.

The Town Board recognizes that work situations arise which require prompt response; and uninterrupted public services can best be accomplished by employees who actually reside within the territorial boundaries of the Town. In addition, the Town Board makes a legislative determination that employees who are residents of the Town maintain a greater commitment and involvement with the Town than do nonresidents, that is, those who reside in municipalities unaffected by town services. The Board also determines that the public need is sufficient to require that all employees of the Town of Cheektowaga be residents of the Town.

3. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

RESIDENCY -- The actual principal domicile of an individual, which he or she actually physically uses or occupies for living purposes, that is, where he or she normally eats, sleeps and maintains usual personal and household effects.

EMPLOYMENT -- Shall be deemed to embrace all forms of employment, including but not limited to civil service exempt, competitive and noncompetitive, and provisional employment where the compensation for such employment is provided for out of town funds.

GEOGRAPHIC LIMITS -- Refers to the boundary lines of the Town of Cheektowaga as set forth on the Official Map of the Town of Cheektowaga.

4. Residency for Employees.

Except as otherwise provided by law, every employee of the Town of Cheektowaga shall, as a qualification for employment, be a resident of the Town of Cheektowaga, and shall remain a resident while so employed by the Town. During employment by the Town, no individual shall cease to be a resident of the Town.

5. Cessation of Residency: Forfeiture of Employment.

Any person who during the term of his or her employment ceases to be a resident of the Town of Cheektowaga, shall forfeit their right of continued employment, and the position so occupied by such person shall thereupon be deemed vacated.

6. Breach of Residency Requirement.

Should it be alleged that an employee is no longer a resident of the Town, the employee's supervisor or other appropriate municipal officer shall provide the employee with written notice of the alleged violation and shall allow the employee seven (7) calendar days in which to respond. Where there is a failure to respond or where a response is not, in the judgment of the employee's supervisor, or other appropriate municipal official, sufficient to satisfy the requirements of this local law, a hearing shall be scheduled to examine the charge of nonresidency.

The employee shall be sent a notice of the hearing date at least fifteen (15) days prior to the hearing. Upon a determination by a hearing officer or by a board conducting the hearing that an employee is a nonresident in violation of the law, the employee shall be deemed to have voluntarily resigned.

7. Exception.

Nothing herein contained shall require the Town of Cheektowaga to limit employment as hereinabove provided with respect to any position of employment for which, by reason of special skills, aptitudes and expertise, an appropriate appointment cannot be made to fill such position with a domiciliary of the Town of Cheektowaga, but before any such exception shall become effective, it shall be necessary for the Town Board, upon certification of the necessary facts and by appropriate resolution, to exempt such position or positions from the restrictions herein contained, including the restriction on continued domicile, and the Town Board may thereupon relax such restriction by appropriate resolution, either eliminating geographic limitations or extending the same.

MEETING NO. 16
August 1, 1988

Item No. 3 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, by resolution dated June 6, 1988, this Town Board approved the Dispatch Room Capital Project and established Capital Project Account No. 05 8802 3120 0220 for same, and

WHEREAS, informal proposals were solicited and received from various architectural consultants for this project, and

WHEREAS, this Town Board and the Assistant Chief of Police have reviewed such proposals, NOW, THEREFORE, BE IT

RESOLVED that

Trautman Associates

Buffalo, New York 14202

be and hereby is retained by this Town Board to perform the requested architectural work for the Dispatch Room for an amount of \$11,900.00, and BE IT FURTHER

RESOLVED that such moneys shall be appropriated from Capital Project Account No. 05 8802 3120 0220.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 5a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, it is in order that bids be advertised for the furnishing and installation of various playground equipment, and

WHEREAS, funds are available in Account #05-8629-7110-0025, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and installation of various playground equipment, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received by the Town of Cheektowaga on August 15, 1988 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 15, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of Playground Equipment in the Town of Cheektowaga.

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

MEETING NO. 16
August 1, 1988

Item No. 5a cont'd

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best 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: August 1, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....*MMA HKKS*....., 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 04 1988*.....;
last publication.....*AUG 04 1988*.....;
and that no more than six days intervened be-
tween publications.

.....*[Signature]*.....

Sworn to before me this*4th*.....

day of*August*....., 19*88*.....

.....*Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 15, 1988 at 11:00 am., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of Playground Equipment in the Town of Cheektowaga.

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
PUBLISH: August 4, 1988

Item No. 5b Motion by Councilman Johnson, Seconded by Councilman Kulyk

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 Seminole/Nokomis Drainage Improvement Project, Contract B, and

WHEREAS, the Highway Superintendent and the Town Engineer have advised that said plans and specifications have been completed and recommended that bids be taken for the Seminole/Nokomis Drainage Improvement Project, Contract B, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Seminole/Nokomis Drainage Improvement Project, Contract B, 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 12th day of August, 1988 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 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 12th, day of August, 1988 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 Seminole/Nokomis Drainage Improvement Project, Contract B complete in place, tested and ready for use, in accordance with Contract Documents therefor, 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 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 Seminole/Nokomis Drainage Improvement Project, Contract B". ."

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. 5b 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: August 1, 1988

PUBLISHED: August 4, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVITS - NEXT PAGES

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

..... *DADA HICKS*, 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 04 1988* ;
last publication..... *AUG 04 1988* ;
and that no more than six days intervened be-
tween publications.

..... *[Signature]*

Sworn to before me this *4th*

day of *August*, 19*88*...

..... *Justice D. Dembiak*

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

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 granted to the Town of Cheektowaga. 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 granted to the Town of Cheektowaga.

**LEGAL NOTICE
SEMINOLE/NOKOMIS
DRAINAGE IMPROVEMENT
PROJECT CONTRACT B
TOWN OF
CHEEKTWOAGA, 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 12th day of August, 1988 at 11:00 am., 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 Seminole/Nokomis Drainage Improvement Project, Contract B 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 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 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 Seminole/Nokomis Drainage Improvement Project, Contract B".

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.

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 for 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
PUBLISH: August 4, 1988**



D. Eileen Perry

of the City of Buffalo, New York,
being duly sworn, deposes and says
that she/~~me~~ is Principal Clerk of
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 1 time, the insertion
being on the 4 th day of August 1988

D. Eileen Perry

Before me this 5th day

August 19 88

PAUL E. BIELMAN
Notary Public, State of New York
Qualified in Erie County
Commission Expires November 30, 1989

Paul E. Bielman

Notary Public, Erie County, N.Y.

SEMINOLE/NOKOMIS
DRAINAGE IMPROVEMENT
PROJECT
CONTRACT B
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 12th day of August, 1988 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 Seminole/Nokomis Drainage Improvement Project, Contract B 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 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 Seminole/Nokomis Drainage Improvement Project, Contract B".

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 select 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 2004 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 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: August 1, 1988

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that she/~~he~~ is Principal Clerk of 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 1 time, the insertion being on the 4th day of August 1988

D. Eileen Perry

his 5th day

88

MAN
New York
County
ember 30, 1989

Lawrence E. Beelman

Notary Public, Erie County, N.Y.

Item No. 6 Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, Manufacturers Hanover, N.A. has heretofore commenced proceedings against the Assessor and the Board of Assessment Review of the Town of Cheektowaga, pursuant to Article 7 of the Real Property Tax Law of the State of New York, for the tax years 1984 thru 1988, and

WHEREAS, Manufacturers Hanover, N.A. and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, Manufacturer Hanover, N.A. and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for Manufacturers Hanover, N.A. and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended that the attached Settlement Agreement be approved, and ~~BE~~ IT FURTHER

RESOLVED that this Town Board does hereby approve the attached Settlement Agreement between Manufacturers Hanover, N.A. and Town of Cheektowaga, and ~~BE~~ IT FURTHER

RESOLVED that this Town Board does direct that the Settlement Agreement be submitted to the Supreme Court of the State of New York for an Order approving said Settlement Agreement between Manufacturers Hanover, N.A. and the Town of Cheektowaga.

* See next pages for Settlement Agreement

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

JUL 21 1988

ASSESSOR'S OFFICE
CHEEKTOWAGA, N.Y.

In the Matter of	: Index No.	: Year
MANUFACTURERS HANOVER, N.A.,	: H92381	: 1987-88
	: H76889	: 1986-87
Petitioner,	: H61670	: 1985-86
	: H47059	: 1984-85
-against-	:	:
THE ASSESSOR AND THE BOARD OF ASSESSMENT	:	: <u>ORDER</u>
REVIEW OF THE TOWN OF CHEEKTOWAGA, AND THE	:	:
TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, NEW	:	:
YORK,	:	:
Respondents.	:	:

Petitioner, having heretofore commenced certain proceedings under Article 7 of the Real Property Tax Law of the State of New York, to review assessments placed upon real property with the following description:

2500 Walden Avenue
Cheektowaga, New York
S-B-L No. 103.13-2-5

in the said Municipality for the taxable status dates for the said tax years; that it is now being proposed that the above entitled proceedings be settled upon terms and conditions set forth in the annexed stipulation entered into between the parties.

NOW, on joint motion of Jerrold F. Janata, Esq., attorney for petitioner, and Joseph Galvin Sacco, Esq., attorney for respondents, it is

ORDERED, that the proposed settlement as set forth in the stipulation executed by the parties, be and the same is hereby determined to be reasonable, just, and in the best interest of the said Municipality and that the same be and hereby is approved; and it is further

ORDERED, that the parties be and they hereby are directed to comply with the terms and conditions of said stipulation; and it is further

ORDERED, that this Order, together with the supporting papers, be entered in the office of the Clerk of the said County, and a true copy thereof, with notice of entry thereon, be filed among the permanent records of the Tax Assessors of the said Municipality.

Dated:

ENTER

GRANTED

8/15 1988

A Dimino
COURT CLERK

S/Trina Fudeman

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of	:	<u>Index No.</u>	<u>Year</u>
MANUFACTURERS HANOVER, N.A.,	:	H92381	1987-88
	:	H76889	1986-87
Petitioner,	:	H61670	1985-86
	:	H47059	1984-85
-against-	:		
THE ASSESSOR AND THE BOARD OF ASSESSMENT	:	<u>STIPULATION</u>	
REVIEW OF THE TOWN OF CHEEKTOWAGA, AND THE	:		
TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, NEW	:		
YORK,	:		
	:		
Respondents.	:		

It is hereby stipulated and agreed by and between the attorney for the petitioner and the attorney for the respondents, that:

1. The assessed value for the real property designated as 2500 Walden Avenue, Cheektowaga, New York, S-B-L #103.13-2-5, be adjusted as follows:

<u>Year</u>	<u>Present Assessment</u>	<u>Stipulated Assessment</u>	<u>Difference</u>
1984-85	\$ 84,900	No Change	-0-
1985-86	84,900	No Change	-0-
1986-87	1,815,000	\$1,400,000	\$415,000
1987-88	1,815,000	1,400,000	415,000
1988-89	1,815,000	1,250,000	565,000

2. The Board of Assessors of the said Municipality shall make or cause to be made upon the proper books and records and on the 1986-87, 1987-88 and 1988-89 assessment rolls of said Municipality, the entries, changes and corrections necessary to conform said assessment to such corrected and reduced valuation.

3. There shall be audited and allowed and paid to the petitioner by the said Municipality, the amount, if any, paid by said petitioner as taxes against the original assessment in excess of what the taxes would have been if said assessment had been made as determined by this stipulation.

Credits shall be granted in lieu of refunds for 1986-87 and 1987-88 in accordance with the Credit Schedule set forth on Attachment #1.

4. That no interest shall be paid on the credits as long as all credits are granted within 30 days of the dates indicated on Attachment #1. If credits are not timely granted, then any credits to which petitioner becomes entitled shall be paid in accordance with Section 726 of the Real Property Tax Law.

5. That petitioner agrees not to protest this assessment and the respondents agree not to increase this assessment for the 1988-89 and 1989-90 tax years.


6. In the event a substantial portion of the improvements on the subject property shall be substantially destroyed, demolished, removed, added to or improved, paragraph 5 shall not be binding on either party.

7. That upon full compliance with this stipulation, the writ in proceedings commenced by petitioner are discontinued without cost to either party.

8. An order shall be entered without further notice implementing the terms of this stipulation.


Dated:

7/14/88


JERROLD F. JANATA
Attorney for Petitioner

Dated:

8/9/88


JOSEPH GALVIN SACCO
Attorney for Respondents

CREDIT SCHEDULE

<u>Year</u>	<u>Jurisdiction</u>	<u>Old Assessed Value</u>	<u>New Assessed Value</u>	<u>Difference</u>	<u>Rate</u>	<u>School Credits</u>	<u>Town Credits</u>
1986-87	School	\$1,815,000	\$1,400,000	\$415,000	11.844670	\$4,915.54	
	Town/County	1,815,000	1,400,000	415,000	20.010		\$8,304.15
1987-88	School	1,815,000	1,400,000	415,000	12.122100	5,030.67	
	Town/County	1,815,000	1,400,000	415,000	19.413		<u>8,056.40</u>
Total School Credits						<u>\$9,946.21</u>	
Total Town Credits							<u>\$16,360.55</u>

Total School Credits of \$9,946.21 to be credited against October 1988 School Tax Bill

Total Town Credits of \$16,360.55 to be credited against February 1989 Town/County Tax Bill

RATE SCHEDULE

<u>Year</u>	<u>Jurisdiction</u>	<u>Old Assessed Value</u>	<u>Taxes</u>	<u>Rate</u>
1986-87	School	\$1,815,000	\$21,498.08	11.844670
1987	Town/County	\$1,815,000	\$36,318.88	20.010
1987-88	School	\$1,815,000	\$22,001.61	12.122100
1988	Town/County	\$1,815,000	\$35,234.85	19.413

See Attachments 2 through 5A for copies of tax bills.

☐ CHECK ☐ CASH

SENIOR CITIZENS EXEMPTION - SEE BACK OF BILL PLEASE RETURN ALL COPIES TO COLLECTOR

THIS TAX ROLL AND WARRANT UPON WHICH THIS ASSESSMENT AND TAX APPEARS ON PROPERTY ASSESSED TO YOU IN THE AMOUNTS AS SHOWN BELOW

MAKE ALL CHECKS PAYABLE TO
JOAN E. DUDEK, Receiver of Taxes and Assessments
CHEEKTOWAGA TOWN HALL, CHEEKTOWAGA, N.Y. 14227
Office Hours: 9 AM - 4 PM M-F, Saturdays 9 AM - 12 PM (except for Snow)
Telephone 888-3475 thru 3478

CHEEKTOWAGA CENTRAL SCHOOL DISTRICT NO. 1
TOWN OF CHEEKTOWAGA

SCHOOL TAX FOR YEAR
JULY 1, 1986 - JUNE 30, 1987

LAST DAY WITHOUT PENALTY - OCTOBER 15

PENALTIES ARE ADDED AS FOLLOWS:
5% WM Be Charged After October 15.
5% WM Be Charged During November.
Last Day For Payment November 30th.
It is then Added to County Tax Roll as Return School Tax.

TP-81S-14

SECTION - BLOCK - LOT		PROPERTY ASSESSED TO AND MAILING ADDRESS	ACRES OR DIMENSIONS	TOTAL VALUATION
103.13-2-5		BENDERSON DEVEL CORP	ACRES - 2.80	1,815,000
PROPERTY LOCATION		C/O MANUFACTURERS HANOVER N A	PROPERTY CLASS	SCHOOL CODE
N 2500		CONTROLLERS DEPT	464	CH-1
WALDEN AVE		183 EAST MAIN ST		
ACCOUNT NUMBER	SWIS	CODE TH		
3 809	143089			
4937		ROCHESTER N Y 14604		
CHEEKTOWAGA		86-87 SCH. TAX RATE \$11.844670 / \$1000		

PAY THIS AMOUNT

21,498.08

This form becomes your TAX RECEIPT when properly stamped by TOWN OF CHEEKTOWAGA tax receiving machine.
JOAN E. DUDEK, Receiver of Taxes and Assessments.

FEE/PENALTY
INTEREST
TOTAL

School Tax Valuation
1,815,000

777 RE. HANOVER 440

☐ CHECK ☐ CASH
YOU MAY BE ELIGIBLE FOR SEVERAL OTHER EXEMPTIONS ON
NEXT YEAR'S TAX. FOR INFORMATION, PLEASE SEE OTHER PAGE



JOAN E. DUDEK
Recorder of Town and Assessments
CHEEKTOWAGA TOWN HALL CHEEKTOWAGA, N.Y. 14227

COUNTY OF ERIE
TOWN OF CHEEKTOWAGA
FISCAL YEAR - JANUARY 1, 1987 THRU
DECEMBER 31, 1987
COUNTY AND TOWN TAX 1987
OFFICE HOURS 9 A.M. - 4:30 P.M.
SATURDAYS 9 A.M. - 12 NOON
TEL. NO. 866-3475 N 3475

DO NOT DETACH - RETURN ALL COPIES

TAXES DUE FEBRUARY 15TH WITHOUT PENALTY
PENALTIES ARE ADDED AS FOLLOWS:
Property Tax, 10% per month
Interest 1% per month
County 10% per month
Town 10% per month
County 10% per month
Town 10% per month
County 10% per month
Town 10% per month
County 10% per month
Town 10% per month

SECTION - BLOCK - LOT	PROPERTY ASSESSED TO AND MAILING ADDRESS	ACRES OR DIMENSIONS	TOTAL VALUATION
103.13-2-5	BENDERSON DEVEL CORP	ACRES - 2.40	1,815,000
PROPERTY LOCATION	C/O MAUFACTURERS HANOVER N A	PROPERTY CLASS - SCHOOL DIST	
N 2500	CONTROLLERS DEPT	440	107001
WALDEN AVE	183 EAST MAIN ST	TOWN EXEMPTIONS	COUNTY EXEMPTIONS
ACCOUNT NUMBER 18487	ROCHESTER N Y 14604		

SPECIAL
DISTRICT
TAXES

FIRE 3 FORKS	2,720.74
SAN SEWER 7	5,568.82
SAN SEWER 7 TRNK LAT	89.53
STORM SEWER 6	308.82
HYDRANT 3 FORKS	168.57
GENERAL LIGHT	1,345.56
GENERAL GARBAGE	3,532.57

General Town Tax		Special District Taxes	
4,523.43		7,927.81	
County and Home Tax	County Tax	Assessed School Tax	County Tax
17,082.81	24.24	1,815,000	8,751.22

PAY THIS
AMOUNT

36,318.88

2000 11-15-14 7

☐ CHECK ☐ CASH
 MAKE ALL CHECKS PAYABLE TO
 JOAN E. DUDEK, Receiver of Taxes and Assessments
 CHEEKTOWAGA TOWN HALL, CHEEKTOWAGA, N.Y. 14227
 Office hours: 9 A.M. - 4:30 P.M. Saturdays 9 A.M. - 12h (during tax time)
 Oct 2 & 8 Open to 8 P.M.
 Telephone 666-3475 thru 3478

SENIOR CITIZENS EXEMPTION - SEE BACK OF BILL PLEASE RETURN ALL COPIES TO COLLECTOR

CHEEKTOWAGA CENTRAL SCHOOL DISTRICT NO. 1
 TOWN OF CHEEKTOWAGA
 SCHOOL TAX FOR YEAR
 JULY 1, 1987 - JUNE 30, 1988
 LAST DAY WITHOUT PENALTY - OCTOBER 15

PENALTIES ARE ADDED AS FOLLOWS:
 5% Will Be Charged After October 15.
 8% Will Be Charged During November.
 Last Day For Payment November 30th.
 It is then Added to County Tax Roll as
 Return School Tax.

TP-BIS-14

SECTION - BLOCK - LOT		PROPERTY ASSESSED TO AND MAILING ADDRESS	ACRES OR DIMENSIONS		TOTAL VALUATION
103.13-2-5		BENDERSON DEVEL CORP	ACRES -	2.80	1,815,000
PROPERTY LOCATION		C/O HAUFACTURERS HANOVER N A	PROPERTY CLASS	SCHOOL CODE	SCHOOL EXEMPTION
2500		CONTROLLERS DEPT	464	CH-1	
WILDEN AVE		183 EAST MAIN ST	PAY THIS AMOUNT		
COUNT NUMBER	SWIS	CODE TN			
809	143089				
4834					

CHEEKTOWAGA 87-88 SCH. TAX RATE \$12.122100 / \$1000

FEE/PENALTY INTEREST

22,001.61
 57 1,100.08

School Tax Valuation
 1,815,000

Form becomes your TAX RECEIPT when property stamped
 OWN OF CHEEKTOWAGA tax recapping machine.
 JOAN E. DUDEK, Receiver of Taxes and Assessments.

CWG/853 10287AL

232318469

ATTACHMENT #4

13089 103.13-2-5 NH 2500
809 N WALDEN AVE
ENDERSON DEVEL CORP 2441 E OF UNION
10 MAUFACTURERS HANOVER N A 2.5 AC
OCCUPANCY ACCOUNTING & CONTROL ACRES- 2.80
.O. BOX 3147 CLS-464 SCH-143001
NEW YORK N Y 10163
AX BILL NO. 16517

123,900			
1,815,000	COUNTY TAX	1,815,000	13,078.87
	GENERAL TOWN TAX	1,815,000	8,519.32
	FIRE 3 FORKS	1,815,000	2,936.51
	SAN SEWER 7	1,815,000	5,356.75
	SAN SEWER 7 TRNK LAT		93.57
	STORM SEWER 6	1,815,000	199.51
	HYDRANT 3 FORKS	1,815,000	89.00
	GENERAL LIGHT	1,815,000	1,567.50
	GENERAL GARBAGE	1,815,000	3,093.50
	TOTAL TAX ---		35,234.85

Office of Receiver of Taxes and Assessments

Town of Cheektowaga

THIS IS NOT A RECEIPT FOR MONEY PAID

SBL # 103.13-2-5

School Code 3001

Swiss Code 14 3089

This is to certify that upon examination of the School Tax Roll it appears that the 1988 School Tax upon the property described as follows: 2500 Walden Ave. Ass. Val. 1,815,000

2.80 ACRES CLS-464

was paid and original receipt therefore issued on Jan 30, 19 88, Amount \$ 35,234.85

was not paid as of _____, 19 ____.

—Joan E. Dudek—

Receiver of Taxes & Assessments

By

Joan E. Dudek

ATTN: 103.13-2-5

□ ~~5~~

THE UNIVERSITY OF CHICAGO

COLLEGE OF

DO NOT PREPARE - RETURN ALL INFORMATION TO THE ISSUING OFFICE

TAKES UP AS INDICATED FROM WORKOUT TO
100% OF THE MAX. ADJUSTED FOR

100

April 16-20, including _____ and per _____
- 1961 | permanent assistance check report a newspaper

1.815.0	TOTAL YEAR 1970
---------	-----------------

RECEIVED

7
COUNTY

[illegible]

Q-10

December

1000

BRUNNEN

11

PAY THIS

Amount

DECLASSIFIED

67-10000

35.234.85

1000

7



1

ATTACHMENT #5A

Item No. 7 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, a New York State Department of Transportation plans to construct a traffic signal at the intersection of Cleveland Drive and Century Road as part of its program to utilize certain streets as detours in conjunction with the reconstruction of the Kensington Expressway, and

WHEREAS, the New York State Department of Transportation requires that ownership and responsibility for the signal must be established, which signal will be operating under a permit issued by the Erie County Highway Department, NOW, THEREFORE, BE IT

RESOLVED that this Town Board accepts the traffic signal installation as a replacement for the existing flashing signal at Cleveland Drive and Century Road and agrees to accept ownership of said signal and the Town will assume maintenance responsibilities at such time as the Kensington Expressway Project is completed and the signal is turned over to the Town, and BE IT FURTHER

RESOLVED that the Town also requests the New York State Department of Transportation to complete the required intersection road improvements in conjunction with the signal installation.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, this Town Board had memorialized the New York State Department of Transportation on previous occasions to reconstruct a drainage system along Harlem Road from Cleveland Drive southerly to Scajaquada Creek, and

WHEREAS, recent storm water events have proven that the existing drainage system along Harlem Road is totally inadequate for the provision of highway drainage and the acceptance of drainage from tributary streets, NOW, THEREFORE, BE IT

RESOLVED that this Town Board again memorializes the NYSDOT to design and improve the drainage system along Harlem Road, placing a high priority on such a project, and BE IT FURTHER

RESOLVED that in the interim, the NYSDOT clean and repair as needed the existing storm sewer system running from Cleveland Drive to the Buffalo Cemetery outlet north of Genesee Street in the shortest time possible.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Assembly of the State of New York is considering Bill No. 8849 to amend the Election Law to increase the salary for election inspectors to \$10.00 per hour, and

WHEREAS, the cost to the Town for primary and general elections would increase substantially as a result of the increased salary for election inspectors, and

WHEREAS, adequate funds were not appropriated in the Town's 1988 budget for such increased salaries, NOW, THEREFORE, BE IT

Item No. 8b cont'd

RESOLVED that this Town Board hereby memorializes the State Assembly, Senate and Governor Cuomo to refuse to enact Assembly Bill No. 8849, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Tokasz, Senator Volker, Governor Cuomo and the Speakers of the State Senate and Assembly.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9a Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the New York State Department of Transportation has initiated a Kensington Expressway TSM Program to upgrade traffic signals on routes that will experience traffic detoured by Phase II of the Kensington Expressway Reconstruction Project, and

WHEREAS, the program will update traffic signals using State and Federal funding, and

WHEREAS, Genesee Street, Pine Ridge Road and East Delavan Avenue are among streets that will experience additional traffic while the Kensington Expressway is under construction, and

WHEREAS, the traffic signals at the intersections of Genesee Street and Alpine Place, Genesee Street and Andrews Avenue and Pine Ridge Road and East Delavan Avenue do not provide the capacity and safety necessary to accommodate the increase in vehicular traffic volume, and

WHEREAS, upgrading the traffic signals to provide the necessary capacity and safety should be the responsibility of the New York State Department of Transportation under the Kensington Expressway TSM Program at no cost to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that this Town Board petitions the New York State Department of Transportation to upgrade the traffic signals at Genesee Street and Alpine Place, Genesee Street and Andrews Avenue and Pine Ridge Road and East Delavan Avenue under their Kensington Expressway TSM Program, and BE IT FURTHER

RESOLVED that a copy of this resolution be sent to Mr. Robert Russell, Regional Director, New York State Department of Transportation and Mr. Paul Tokasz, State Assemblyman.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the New York State Department of Transportation is completing plans and specifications for the reconstruction of William Street, from the Buffalo City Line to Laura Court, and also the Thruway Interchange at William Street, and which project is scheduled for a November, 1988 letting, and

WHEREAS, this Town Board has committed itself to the provision of a Master Drainage System following the right-of-way of the recently purchased Lehigh and Lake Erie Branch of Conrail, and

Item No. 9b cont'd

WHEREAS, said Southwest Drainage Project will require the installation of twin drainage pipes across William Street, which drainage pipes could be constructed much more economically under an open cut procedure to be employed by the NYSDOT Reconstruction Project, NOW, THEREFORE, BE IT

RESOLVED that this Town Board requests the NYSDOT to include the construction of the Town's twin pipe crossing on William Street under the State's William Street Improvement Project, with the actual cost of said pipe installation to be paid for by the Town, and BE IT FURTHER

RESOLVED that the maximum cost estimate of \$90,000 is to be paid for under the Capital Improvement Bond Issue that is presently under consideration by this Town Board.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga will sponsor a Polish-American Arts Festival on August 19 through August 21 in the Cheektowaga Town Park, and

WHEREAS, the said Festival is being held in recognition of the achievements and contributions of Polish-Americans to this nation's cultural and artistic development, as well as for the cultural enrichment of the community as a whole, and

WHEREAS, the County of Erie has appropriated the sum of \$1,500.00 for use in defraying some of the expenses of such Festival, and

WHEREAS, it is necessary for the Town to enter into a contract with the County concerning the receipt and use of the aforesaid \$1,500.00 grant,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be and he hereby is authorized to execute the necessary agreement between the County of Erie and the Town of Cheektowaga covering the grant of \$1,500.00 for the 1988 Polish-American Arts Festival.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Kazukiewicz, Seconded by Councilman Solecki

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

MEETING NO. 16
August 1, 1988

Item No. 11 cont'd

WHEREAS, the consolidation will also eliminate and reduce many of the 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 and Union Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga is eligible for partial reimbursement of funds expended for youth programming during Fiscal Year 1989, 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 1989 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, by resolution dated November 16, 1987, this Town Board awarded a bid for two 1988 GMC 3/4-ton Pick Up Trucks with Plows for use by the Facilities Department to Maier-Schule GMC, and

WHEREAS, by letter dated May 16, 1988 Maier-Schule GMC assigned its rights to payment by the Town to General Motors Acceptance Corporation, and

MEETING NO. 16
August 1, 1988

Item No. 12b Cont'd.

WHEREAS, Section 109 of the General Municipal Law of the State of New York provides that a contractor on a public contract is prohibited from assigning its rights on such public contract without the previous consent in writing of the Town Board, and

WHEREAS, the proposed assignment from Maier-Schule GMC to General Motors Acceptance Corporation appears to be in order and this Town Board has no problem with assigning the rights to payment on this contract, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby gives its consent to the assignment of payment rights on the above referenced contract to General Motors Acceptance Corporation, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached assignment for the above referenced contract award.

*SEE NEXT PAGE FOR COPY OF ASSIGNMENT.

ASSIGNMENT

For value received, the undersigned (Dealer) hereby sells, assigns, and transfers to General Motors Acceptance Corporation (GMAC) all accounts and sums due and to become due to Dealer from Town of Cheektowaga (Purchaser) on account of the sale by Dealer to Purchaser from time to time of new GMC motor vehicles. This is a continuing assignment and shall remain in full force and effect until terminated by Dealer on thirty (30) days advance written notice to Purchaser and GMAC. Termination of this assignment shall not be effective as to vehicles shipped by General Motors Corporation prior to the effective date of termination.

Dealer authorizes and directs Purchaser to make its checks in payment of the foregoing accounts payable to GMAC and to transmit them to GMAC. Receipt by GMAC of such payments shall be a discharge of the purchaser from its indebtedness to Dealer to the full extent of such payments.

Without affecting Dealer's primary responsibility to make collections on the foregoing accounts, Dealer hereby irrevocably appoints GMAC as its attorney to demand, sue for, recover, receive and give effectual discharge for the payment of the accounts hereby assigned.

In consideration of the premises, Dealer hereby guarantees payment in full to GMAC of the foregoing accounts and hereby waives notice of any default or delay in payment thereof.

Dealer MAIER-SCHULE GMC, INC.

By [Signature]

Title VP

This 16th day of Feb, 1988

In order to induce GMAC to finance the acquisition of vehicles for sale to Purchaser by Dealer, Purchaser hereby:

- (1.) acknowledges receipt of a copy of this assignment and agrees to make payments for vehicles purchased from Dealer as directed under this assignments; and
- (2.) agrees not to set-off any amount due from Dealer to Purchaser against any amount due under this assignment to GMAC, provided that Purchaser may set-off any amount owed it by Dealer on a specific vehicle against any amount it pays on that specific vehicle.

Purchaser Town of Cheektowaga

Address Cheektowaga NY 14227

By [Signature]

Title Superior

This 3 day of August, 1988

GMAC hereby accepts the foregoing assignment, commitments and agreements.

GENERAL MOTORS ACCEPTANCE CORPORATION
6750 Main Street., Buffalo, N.Y. 14221

By [Signature]

Title Assistant Secretary

This 16 day of May, 1988

MEETING NO. 16
August 1, 1988

Item No. 12b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12c Authorize Supervisor to sign agreement regarding Planning Consultant
This item was withdrawn.

Item No. 12d Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, funding is periodically available from miscellaneous public and private grant sources to assist the Town with various projects, and

WHEREAS, this Town is in need of an outside consultant to maintain current information on the availability of and to apply for such funding, and

WHEREAS, Robert J. Miller and Associates, a grants development firm has proposed to render grants services to the Town as per the attached Letter of Agreement, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached Letter of Agreement with Robert J. Miller & Associates for grants services for a period of one year, effective immediately, and BE IT FURTHER

RESOLVED that moneys for such services shall be appropriated from the contingency fund, account number 01 1910 0004 4711.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Johnson to amend the above resolution by changing the account number, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Supervisor Swiatek seconded by Councilman Gabryszak

WHEREAS, funding is periodically available from miscellaneous public and private grant sources to assist the Town with various projects, and

WHEREAS, this Town is in need of an outside consultant to maintain current information on the availability of and to apply for such funding, and

WHEREAS, Robert J. Miller and Associates, a grants development firm has proposed to render grants services to the Town as per the attached Letter of Agreement, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached Letter of Agreement with Robert J. Miller & Associates for grants services for a period of one year, effective immediately, and BE IT FURTHER

RESOLVED that moneys for such services shall be appropriated from the contingency fund, account number 01-1220-0004-4597.

*SEE NEXT TWO PAGES FOR COPY OF LETTER OF AGREEMENT

LETTER OF AGREEMENT BETWEEN

TOWN OF CHEEKTOWAGA, NY

and

ROBERT J. MILLER & ASSOCIATES
Grants Consultants
124 Delaware Avenue
Tonawanda, New York 14150

RECEIVED
1988 AUG 15 PM 2:55
CHEEKTOWAGA
TOWN CLERK

It is hereby agreed that Robert J. Miller & Associates will render direct grants consultation services as described below to TOWN OF CHEEKTOWAGA for a one year period commencing August 15, 1988 and ending August 15, 1989

Robert J. Miller and Associates will perform the following tasks :

- * Conduct comprehensive reviews of on-going and planned activities to identify potentially fundable programs .
- * Prepare narrative summaries of fundable programs to include statement of need, proposed methodology, anticipated benefits and budgets.
- * Conduct ongoing search and survey of potential funding sources, both private and public, at the federal, state, and local levels.
- * Identify and establish direct contact with funding sources.
- * Prepare and submit formal letters of intent and full proposals in appropriate and final format to potential granting organizations.
- * Maintain liaison and follow-up with all granting organizations where formal application has been made.
- * Conduct briefings with designated members of client staff and board to report on progress achieved and to develop additional fundable programs and proposals.

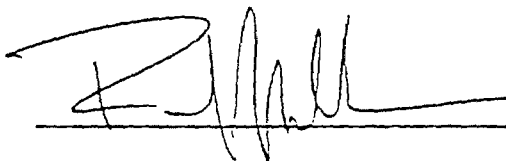
In consideration of a fee of \$8,000 for the first three month quarter and \$6,000 for each subsequent consecutive quarter paid in advance of each quarter plus incidental expenses not to exceed a maximum of \$200.00 for the one year duration of this agreement, both parties agree to the provisions contained herein.

This agreement may be terminated by the Town of Cheektowaga provided that 30 days written notice is given to Robert J. Miller and Associates by the Town of Cheektowaga. In the event of early termination, Robert J. Miller and Associates shall be paid for the quarter then in process.

Town of Cheektowaga

 Date: 8/3/88

Robert J. Miller
Grants Consultants

 Date: 8-8-88

MEETING NO. 16
August 1, 1988

Item No. 12d Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12e Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the County of Erie, pursuant to the authority granted it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special traffic options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1988 and terminated December 31, 1988 with the County of Erie concerning its STOP-DWI program, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute six (6) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

*SEE NEXT TWENTY-THREE (23) PAGES FOR COPY OF AGREEMENT

up 4210
T/V LE/CT
1988 STOP DWI

THIS AGREEMENT, made and entered into as of the
1st day of January, 1988, by and between the COUNTY OF ERIE,
a municipal corporation of the State of New York, with
offices at 95 Franklin Street, Buffalo, New York, hereinaf
ter referred to as the COUNTY, party of the first part, and
the TOWN/VILLAGE OF CHEEKTOWAGA a municipal
corporation of the State of New York in Erie County, with
offices at Broadway & Union Roads

Cheektowaga, New York, hereinafter referred to as
the MUNICIPALITY, party of the second part,

W I T N E S S E T H :

WHEREAS, the COUNTY, pursuant to the authority
granted to it by Article 43-A of the Vehicle and Traffic
Law, has established a special traffic options program for
driving while intoxicated (STOP - DWI) and has formulated a
plan thereunder for the coordination of county, town, city
and village efforts to reduce alcohol-related traffic
injuries and fatalities, and

WHEREAS, the MUNICIPALITY, through its police
agency, has made formal application to the Erie County
STOP-DWI Coordinator for the funding of certain alcohol
traffic safety law enforcement activities in Erie County
during the period from January 1, 1988 to December 31, 1988,

RECEIVED

1988 MAY 31 PM 2:53
TOWN CLERK

which application is attached hereto and made a part hereof as Appendix "A", and

WHEREAS, a Justice Court has been established in and for the MUNICIPALITY with jurisdiction to hear and determine cases involving alleged violations of §1192, §511(2)(a)(i) and (iii) and §511(3) of the Vehicle and Traffic Law.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES:

FIRST: The term of this Agreement shall be the COUNTY's fiscal year commencing January 1, 1988 and ending December 31, 1988. The said term shall be divided into the following quarterly periods:

January 1 to March 31;
April 1 to June 30;
July 1 to September 30; and
October 1 to December 31.

SECOND: During the term of this Agreement, the MUNICIPALITY, as an independent contractor, agrees to engage in the alcohol traffic safety law enforcement activities set forth in the annexed Appendix "A".

THIRD:

A. For purposes of this paragraph:

(i) "DWI case" shall mean a criminal action commenced in any court within Erie County wherein a person is charged with

a violation of §1192, §511(2)(a)(i) and (iii) or §511(3) of the Vehicle and Traffic Law;

- (ii) "net STOP-DWI collections" shall mean the amount of fines, penalties and forfeitures collected by any court, judge, magistrate or other judicial officer within Erie County from violations of §1192, §511(2)(a)(i) and (iii) or §511(3) of the Vehicle and Traffic Law after deducting therefrom the amount of refunds made by reason of judicial mandate (e.g., appellate reversal of conviction, reduction of fine, etc.) or pursuant to former Section 521(c) of the Vehicle and Traffic Law (e.g., upon successful completion of an alcohol and drug rehabilitation program).

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, subject to the provisions of paragraph FOURTH (C) hereof, a sum not to exceed the lesser of either:

- (i) the MUNICIPALITY's actual expenses, as

certified by the MUNICIPALITY upon forms acceptable to the COUNTY, in carrying out, during such quarterly period, the alcohol traffic safety law enforcement activities set forth in Appendix "A"; or

(ii) sixty-five percent (65%) of the net STOP-DWI collections actually paid over and received by the COUNTY during such quarterly period, provided that such collections have resulted from convictions obtained in DWI cases commenced by the MUNICIPALITY's police agency.

C. Where in any quarterly period, the MUNICIPALITY's actual expenses, as certified in (i) above, exceed sixty-five percent (65%) of the amount of net STOP-DWI collections attributable to the MUNICIPALITY's alcohol traffic safety law enforcement activities, as calculated pursuant to (ii) above, such excess amount shall be added to the MUNICIPALITY's certified actual expenses in the next succeeding quarterly period for purposes of determining the sum payable to the MUNICIPALITY Under this paragraph.

FOURTH:

A. For purposes of this paragraph:

(i) "DWI case" shall mean a criminal action

commenced in any court within Erie County wherein a person is charged with a violation, or multiple violations involving the same person and arising out of the same incident, of §1192, §511(2)(a)(i) and (iii) or §511(3) of the Vehicle and Traffic Law;

- (ii) "finally disposed of" and "final disposition" shall mean the termination of a DWI case at the trial court level by reason of a dismissal, acquittal or conviction and imposition of sentence by the trial court, but shall not include the removal or transfer of a DWI case to another court.

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, for the services of the MUNICIPALITY's Justice Court, the sum of TEN DOLLARS (\$10.00) for each DWI case finally disposed of in such court during such quarterly period which was commenced by either the Erie County Sheriff's Department or the New York State Police. The said sum shall be payable by the COUNTY for each such DWI case regardless of the final disposition thereof.

C. The MUNICIPALITY agrees that the COUNTY, on behalf of the MUNICIPALITY, shall allocate and pay out, from the sums payable quarterly to the MUNICIPALITY under paragraph THIRD(B) hereof, the sum of TEN DOLLARS (\$10.00) for each DWI case commenced by the MUNICIPALITY's police agency which was finally disposed of during the corresponding quarterly period. The said sum shall be paid by the COUNTY to the town or village in whose Justice Court the DWI case was finally disposed of and shall be payable regardless of the final disposition thereof.

FIFTH:

A. The MUNICIPALITY, through its police agency, agrees to compile information and render monthly reports to the Erie County Office of Criminal Justice Planning with respect to:

- (i) the MUNICIPALITY's actual expenses in carrying out the alcohol traffic safety law enforcement activities set forth in Appendix "A". A sample copy of the STOP-DWI Monthly Fiscal Cost Report form is annexed hereto as Appendix "B";
- (ii) all alcohol-related traffic accidents investigated by the MUNICIPALITY's police agency. A sample copy of the

STOP-DWI Monthly Accident Report form is annexed hereto as Appendix "C"; and

(iii) all DWI cases [cases involving alleged violation(s) of §1192, §511(2)(a)(i) or 511(3) of the Vehicle and Traffic Law] commenced by the MUNICIPALITY's police agency in any court in Erie County. A sample copy of the STOP-DWI Monthly Arrest Report form is annexed hereto as Appendix "D".

B. The MUNICIPALITY, through its Justice Court with jurisdiction to hear and determine DWI cases, agrees to compile information and render monthly reports to the Erie County Office of Criminal Justice Planning with respect to all DWI cases finally disposed of [as those terms are defined in paragraph FOURTH (A)(i) and (ii), but including cases removed or transferred] in the MUNICIPALITY's Justice Court. A sample copy of the STOP-DWI Monthly Court Report form is annexed hereto as Appendix "E".

C. The MUNICIPALITY acknowledges that the determination by the COUNTY of the amounts payable to the MUNICIPALITY under paragraphs THIRD and FOURTH of this Agreement is dependent upon the timely receipt by the Erie County Office of Criminal Justice Planning of accurate information from the MUNICIPALITY. Accordingly, the

MUNICIPALITY agrees that, as a condition precedent to its right to payment under this Agreement, it shall fully complete and forward to the Erie County Office of Criminal Justice Planning each of the monthly reports required under this paragraph (Appendices "B", "C", "D" and "E") within 15 days after the last day of each monthly period to which such reports relate.

SIXTH: This Agreement is executory only to the extent of moneys available to the COUNTY for the performance hereof and appropriated therefor, being moneys in a separate account entitled "Special Traffic Options Program for Driving While Intoxicated" established and funded pursuant to Sections 1678-a and 1803 of the Vehicle and Traffic Law, and the COUNTY shall incur no liability on account of this Agreement beyond such moneys.

SEVENTH: In the event the Erie County STOP - DWI Program, as approved by the Commissioner of the New York State Department of Motor Vehicles, is to be terminated during the term of this Agreement, the provisions of Section 1678-i of the Vehicle and Traffic Law shall govern for purposes of determining the sums available to the COUNTY and payable to the MUNICIPALITY pursuant to this Agreement.

EIGHTH: The MUNICIPALITY shall not assign, transfer, convey, sublet or otherwise dispose of this

Agreement or of any right, title or interest therein, nor of the power to execute the same or any extension thereof to any other person or corporation without the previous consent in writing of the COUNTY.

NINTH: The MUNICIPALITY agrees to comply with all applicable laws of the State of New York, the United States and the County of Erie, including laws against discrimination, and with all rules and regulations of pertinent authorities having jurisdiction.

TENTH: The MUNICIPALITY shall be fully accountable for its performance under this Agreement and agrees for itself and its officers to answer under oath all questions relevant to the performance thereof and to any transaction, act or omission in connection therewith if called before any Judicial, County, State or Federal agency empowered to investigate the Agreement or its performance.

ELEVENTH: The MUNICIPALITY agrees to furnish verified accounts of its disbursements hereunder, with certified or verified invoices thereto attached at such times and in such form and detail as may be required by the Erie County Comptroller, who may at her option audit the pertinent books and records of the MUNICIPALITY, and a final account within thirty (30) days after the termination of this Agreement.

TWELFTH: The MUNICIPALITY agrees to defend, hold harmless and indemnify the COUNTY against any and all liability, claims, demands, suits and judgments arising out of the performance of the MUNICIPALITY'S obligations under this Agreement. The MUNICIPALITY further agrees to maintain insurance coverage during the term of this Agreement and to submit certificates of insurance in accordance with Vendor Classification C-"Professional Services", on Appendix "F" annexed hereto. For purposes of this Agreement, the MUNICIPALITY need not provide proof of professional liability insurance coverage. At the request of the MUNICIPALITY and with the advice of the Erie County Attorney, the Director of the Erie County Office of Criminal Justice Planning may waive the excess and/or umbrella liability insurance coverage(s), or reduce the amount(s) thereof, otherwise required under this paragraph. In lieu of proof of insurance coverage, the MUNICIPALITY may furnish evidence of a self-insurance plan acceptable to the Erie County Attorney.

THIRTEENTH: Consistent with the MUNICIPALITY'S status as an independent contractor, the COUNTY shall not be responsible for Worker's Compensation benefits, Social Security coverage or unemployment insurance benefits with respect to the MUNICIPALITY. .

FOURTEENTH: This Agreement, or any renewal thereof, may be terminated by either party upon at least

thirty (30) days prior notice. Such notice shall be provided in writing to the chief executive officer of the other party at the address appearing on the first page of this Agreement.

FIFTEENTH: Provided that the MUNICIPALITY shall have made formal application for the continued funding of its alcohol traffic safety law enforcement activities, this Agreement may be renewed for such additional twelve (12) month terms as may be mutually agreed upon by the parties through their respective legislative bodies.

This Agreement is executed by the COUNTY pursuant to a resolution adopted by the Legislature of the County of Erie at its meeting held on December 29, 1987, and by the MUNICIPALITY pursuant to a resolution of its governing body adopted at a meeting of said governing body held on August 1, 1988, a certified copy of the MUNICIPALITY's resolution being annexed hereto as Appendix "G".

TOWN/VILLAGE CHEEKTOWAGA

COUNTY OF ERIE

By: Frank E. Swiatek
(name) Frank E. Swiatek
(title) Supervisor

By: Dennis T. Gorski
DENNIS T. GORSKI
Erie County Executive

APPROVED AS TO CONTENT

89-299-JP
NOTARY PUBLIC
NOTARY Attorney

Margaret O'Donnell
Director, Criminal Justice
Planning

FEB 23 1989

James L. Tuppen
JAMES L. TUPPEN

ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 31st day of March, 1988,
before me personally came DENNIS T. GORSKI, to me personally
known, who, being by me duly sworn, did depose and say that
he resides in the Town of Cheektowaga, County of Erie and
State of New York; that he is the County Executive of the
COUNTY OF ERIE, the corporation described in, and which
executed the within instrument; that he knows the seal of
said corporation; that the seal affixed to said instrument
is such corporate seal and was so affixed by order of the
Erie County Legislature and that he signed his name thereto
by like order.

Valerie L. Porter
Notary Public

VALERIE L. PORTER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1991
Jan 31

ACKNOWLEDGMENT

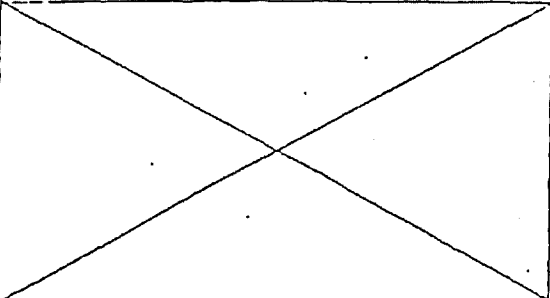
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 3rd day of August, 1988,
before me personally came Frank E. Swiatek,
to me personally known, who, being by me duly sworn, did
depose and say that he resides in the Town/Village of
Cheektowaga, County of Erie and State of
New York; that he is the Supervisor of the
Town/Village of Cheektowaga,
the corporation described in, and which executed the within
instrument; that he knows the seal of said corporation; that
the seal affixed to said instrument is such corporate seal
and was so affixed by order of the governing body thereof
and that he signed his name thereto by like order.

Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1989

APPENDIX A

Special Traffic Options Program for Driving While Intoxicated S.T.O.P.-DWI		County of Erie S.T.O.P.-DWI FORM SD-1	
PART I (To be completed by applicant)			
1. Project Title Arrest Intoxicated Drivers AID DWI 1988		Project Number (Entered by Erie County)	
2. Project Description (See Part II)		3. Type of Application Initial Revision X Continuation	
		4. Program Area <input checked="" type="checkbox"/> Law Enforcement Adjudication <input checked="" type="checkbox"/> Education Rehabilitation Other	
5. Applicant Agency (Name & Address) Town Of Cheektowaga Police Department 3223 Union Rd. Cheektowaga, N.Y. 14227		6. Governmental Unit <input checked="" type="checkbox"/> Township City Village Department Agency Other	
7. Project Coordinator (Name, Title, Address, Telephone No.) Robert M. Lis Chief Of Police Cheektowaga Police Department 3223 Union Rd. Cheektowaga, N.Y. 14227 (716)686-3502		8. Total Cost of Project to County \$ 188,656.40	

FEB -1 1989

9. Fiscal Agent (Name, Title & Address of official authorized under law to receive payment of STOP-DWI funds on behalf of applicant agency/jurisdiction).

Frank E. Swiatek Broadway & Union Rds.
Town Supervisor Cheektowaga, N.Y. 14227
Town Of Cheektowaga

10. AUTHORIZING SIGNATURES

A. Project Coordinator Title
Robert M. Lis Chief Of Police

Signature

Robert M. Lis

B. For Governmental Unit Title
or Agency

Frank E. Swiatek Town Supervisor

Signature

Frank E. Swiatek



Cheektowaga Police Department

3223 Union Road, Cheektowaga, New York 14227-1080

Robert M. Lis
Chief of Police

Bruce D. Chamberlin
Assistant Chief

ERIE COUNTY S.T.O.P. - D.W.I. PROGRAM APPLICATION

1. PROBLEM IDENTIFICATION AND ANALYSIS

The Cheektowaga Police Department is aware of the numerous drivers who operate their vehicles even after consuming alcoholic beverages to the point where their reflexes and reaction time has been impaired. Alcohol was one of the major factors in the 1403 investigated accidents occurring in the Town of Cheektowaga during 1987.

Some officers are reluctant to make D.W.I. arrests because such arrests are time consuming, involve many court appearances, dissatisfaction with court dispositions and in some cases need additional training in D.W.I. arrest procedures, equipment and in testifying.

2. PROGRAM GOALS AND OBJECTIVES

Although our department had arrested 611 persons for DWI in 1987, this is only a small percentage of the violators on our public highways. In an effort to reduce DWI violations there are several avenues of approach: Education, public awareness and apprehension of violators. The approach that will have the largest impact and give the most immediate results is the apprehension of violators. We intend to increase our DWI arrests by 10% and our DWI conviction rate by 10% in 1988.

This department does have the quantitative terms to describe project objectives, and sets them forth below because it is requirement of this application. However, it is felt that such terms are not truly indicative of the manner in which we propose to operate and the funding we seek. What we intend to do is to assign a combination of manpower from current duty assignments to specifically concentrate on the identification and apprehension of intoxicated drivers. The degree of improvement in our performance is directly related to the percentage of funding from convictions that is returned to the department making those convictions possible. See section following.

(716) 686-3500

3. PROGRAM DESCRIPTION

We have an up-to-date records system which keeps us informed as to where accidents are occurring and when. It also tells us when and where our DWI arrests are occurring and who is making the arrests. From this information we have decided to assign one (1) traffic Unit officer each evening, seven (7) days a week, from 9 P.M. (2100 Hours) to midnight (2400 Hours) and from midnight (2400 Hours) until 5 A.M. (0500 Hours) to apprehend intoxicated drivers.

Their supervisor will be instructed to see that these officers do not take any other calls or details, but to concentrate completely on DWI enforcement. This will be in addition to the normal enforcement that this department has been doing. For rotation purposes we will train and update the training of ten (10) men in enforcement and court procedures. Each man will receive 50 Hours of training. There will also be expense for additional ampoules for the Breathalyzer and alco-sensors. The location of operation of this DWI program will vary as our records of accidents and DWI arrests indicate where the need is.

The specific degree to which manpower is assigned depends upon this department being able to cover the costs of such a concentrated DWI attack with the receipt of the funds for which this proposal is being made. We have determined that we need sixty-five percent (65%) of the funds coming into Erie County, distributed to each police agency participating in direct proportion to the number of convictions under the program obtained. All funds so received will be applied to a sustained DWI enforcement program.

COUNTY OF ERIE
S.T.O.P. - DWI

PROJECT BUDGET

PROJECT DURATION 12 MONTHS
FROM 1/1/88 TO 12/31/88

BUDGET ITEMS	STOP-DWI FUNDS
A. PERSONNEL	
1 OFFICER 8 HRS PER DAY PER WEEK FOR 52 WEEKS= 2912 HRS X \$14.823	\$43,164.58
1 SERGEANT 4 HRS PER WEEK FOR 52 WEEKS - 208 X \$16.536	\$3,439.49
1 CLERK 8 HRS PER WEEK FOR 52 WEEKS = 416 HRS X \$ 9.053	\$3,766.05
OVERTIME FOR FOLLOW UP INVESTIGATIONS 25 HRS PER MONTH = 300 HRS X \$22.235	\$6,670.50
COMMUNITY SERVICE 20 HRS PER MONTH - 240 HRS X \$14.823	\$3,557.52
TRAINING FOR OFFICERS = 500 HRS X \$14.823	\$7,411.50
COURT TIME PAID 2 APPERANCES PER ARREST = 6 HRS X 562 X \$14.823	\$49,983.16
SUB TOTALS	\$117,992.79
B. FRINGE BENEFITS	
POLICE OFFICERS HRS WORKED=2912 @ 60%	\$25,898.75
SERGEANT 208 HRS @ 60%	\$2,063.69
CLERK HRS 416 @ 60%	\$2,259.63
OVERTIME = 1300 HRS @ 60%	\$2,668.14
COMMUNITY SERVICE HRS 240 HRS @ 60%	\$2,134.51
TRAINING 500 HRS @ 60%	\$4,446.90
COURT TIME 6 X 562= 5058 HRS X\$14.823@ 60%	\$29,989.89
SUB TOTALS	\$69,461.51

STOP DWI FISCAL COST REPORT

Submit in Duplicate to:
Erie County Office of
Criminal Justice Planning
134 West Eagle St.
Buffalo, N.Y. 14202

- 1.) Claimant _____
2.) Report # _____
3.) Report period month _____ yr _____
4.) Date _____
5.) Type: Monthly _____ Final _____

CATEGORY	MONTHLY EXPENDITURES	CUMULATIVE EXPENDITURES	FOR CRIMINAL JUSTICE Use Only
Personnel			Disposition of Report Approved _____ Disapproved _____ Reimbursement to Claimant Monthly _____ Quarterly _____ Cumulative _____ Reviewed By _____ Approved By _____
Fringe Benefits			
Equipment			
Supplies			
Travel			
All Other			
Court			
TOTAL			

I hereby certify that this report, schedules, statements, and the expenses for which payment is requested are true, current and complete and were made in accordance with State and County rules and regulations governing STOP - DWI expenditures and that the Articles listed were (or will be) necessary solely for the STOP - DWI Program.

FOR CLAIMANT _____
Signature _____ Date _____

Print _____
Title _____

FISCAL OFFICER _____
Signature _____ Date _____

Print _____
Title _____

Invoice Attached
Yes _____
No _____

Back Up Material Attached
Yes _____
No _____

STOP - DWI
SCHEDULE I
PERSONNEL COSTS

Reporting Agency _____

Report Month of _____

[illegible]

Total Salary _____

Prepared by _____ Approved by _____

Fringe Bene _____

APPENDIX B

SCHEDULE II - EXPENSE OTHER

STOP DWI

TITLE: _____

FOR MONTH OF _____

**ATTENDIA U
ERIE COUNTY
STOP DWI
MONTHLY ACCIDENT REPORT**

REPORTING AGENCY										REPORTING PERIOD					
										TO					
#CASUALTIES: INJURIES: FATALITIES															
ACCIDENT:				MOTOR VEHICLE:								BAC OF DRIVER ¹ INVOLVED		LOCATION OF ACCIDENT ²	
				DRIVER		PASS'GR.		PED'STN.		OTHER (CYCL., ETC.)					
#	DATE	TIME	AM	PM		INJ.	FAT.	INJ.	FAT.	INJ.	FAT.	INJ.	FAT.		
1															
2															
3															
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15															
16															
17															
18															
19															
20															

¹ BLOOD ALCOHOL CONTENT

² BE AS SPECIFIC AS POSSIBLE!

LOCATE ACCIDENT RELATIVE TO ADJACENT HOME OR BUSINESS ADDRESS AND OR NEARBY INTERSECTION

S-DWI 3/10/82 500W

STOP-DWI Monthly Arrest Report

APPENDIX D

County

Reporting Agency

TO
Reporting Period1. Total Number of Persons Charged with
a Moving Traffic Violation2. Total Number of Persons Arrested for DWAI,
DWI, or BAC \geq .10 (section 1192) Violations3. Total Number of Persons Arrested
for Section 1192 Violations by
Age

a) Under 18	
b) 18	
c) 19	
d) 20	
e) 21-24	
f) 25-29	
g) 30-39	
h) 40-49	
i) 50-59	
j) 60-64	
k) Over 64	

5. Total Number of Persons Arrested
for Section 1192 Violations by
Sex

a) Male	
b) Female	

6. Total Number of Persons Arrested
for Section 1192 Violations by
Time Intervals

a) 6:01a.m. to 6:00p.m.	
b) 6:01p.m. to 9:00p.m.	
c) 9:01p.m. to 12:00p.m.	
d) 12:01p.m. to 3:00a.m.	
e) 3:01a.m. to 6:00a.m.	

4. Total Number of Persons Arrested
for Section 1192 Violations by
BAC Level

a) No Test Offered	
b) Test Refused	
c) .00 to .05	
d) .051 to .07	
e) .071 to .099	
f) .10 to .149	
g) .15 to .199	
h) .20 or Greater	

7. Total Number of Persons Arrested
for Section 1192 Violations by
Day

a) Sunday	
b) Monday	
c) Tuesday	
d) Wednesday	
e) Thursday	
f) Friday	
g) Saturday	

Page _____ of _____

TO
Reporting Period

[illegible]

COUNTY OF ERIE
STOP-DWI MONTHLY COURT REPORT

[illegible]

APPENDIX E

EXHIBIT IC
Rev. 1-85

APPENDIX F
County of Erie Standard Insurance Certificate

This certificate does not amend, extend or alter the coverage afforded by the standard from policies listed below.

Insured: Name Address Zip Phone No. _____	III Companies Affording Coverages
	A
Issuing Agency: Name Address Zip Phone No. _____	B
	C
	D

IV This is to certify that the policies listed below have been issued to the insured named above and are in force at this time

Indicate Type of Insurance By Checking the Box		Policy Number	Expiration Date	Limits of Liability in Thousands		
				Check The Box	Each Occurrence	Aggregate
COMPANY LETTER from III above	1. General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises and Operations <input type="checkbox"/> Products/Completed Operations <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Contractual <input type="checkbox"/> Personal Injury <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Explosion, Collapse <input type="checkbox"/> Underground Hazard			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit		
	2. Automobile Liability <input type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input type="checkbox"/> owned <input type="checkbox"/> hired <input type="checkbox"/> non-owned			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit		
	3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
	4. Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
	5. Other					

County of Erie is included as an additional insured under the following Policy numbers: _____

Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York.

ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate, before such change shall be effective.

Name and Address of Certificate Holder & Recipient of Notice County of Erie Department of Law 69 Delaware Ave. - Suite 300 Buffalo, New York 14202 (716) 846-6811	Date Issued _____
	Auth. Representative _____
	Firm Name & Address _____

STOP-DWI

FOR COUNTY USE ONLY: Name of County Dept. Requesting Certificate _____
Purchase Order or Contract Number _____
Vendor Insurance Classification _____ C1

EXHIBIT IC
Rev. 1-85

County of Erie Standard Insurance Certificate

CC: EDWIE H.
JUN 30 1988

This certificate does not amend, extend or alter the coverage afforded by the standard from policies listed below.

Name TOWN OF CHEEKTOWAGA
Address Broadway & Union Road
Zip Cheektowaga, NY 14227
Phone No.

III Companies Affording Coverages

A UNITED STATES FIDELITY & GUARANTY

B

C

D

COPY

Name JOSEPH J. NAPLES & ASSOCIATES, INC.
Address 490 Delaware Avenue
Zip Buffalo, NY 14202
Phone No. 716 882-6909

This is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

Indicate Type of Insurance By Checking the Box	Policy Number	Expiration Date	Limits of Liability in Thousands			
			Check The Box	Each Occurrence	Aggregate	
COMPANY LETTER from III above			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit			
A	2. Automobile Liability <input checked="" type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input checked="" type="checkbox"/> owned <input checked="" type="checkbox"/> hired <input checked="" type="checkbox"/> non-owned	BAP 102134880	3-30-89	<input type="checkbox"/> Bodily Injury Property Damage OR <input checked="" type="checkbox"/> Combined Single Limit	\$1,000	
	3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
	4. Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
	5. Other					

County of Erie is included as an additional insured under the following Policy numbers: BAP 102134880

Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York

ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate, before such change shall be effective.

Name and Address of Certificate Holder & Recipient of Notice

E. HARRIS Director of Contracts
SENIOR SERVICES
RATH BLDG RM 1329
95 FRANKLIN ST
BUFFALO NY 14202
716-846-6421

Date issued 6/22/88

Auth. Representative

Joseph J. Naples
Jos. J. Naples & Associates, Inc.
490 Delaware Avenue
Buffalo, New York 14202

FOR CO

County Dept. Requesting Certificate SENIOR SERVICES ROOM 1329 RATH

Purchase Order or Contract Number

Vendor Insurance Classification

"G" TOWN CHEEKTOWAGA

APPENDIX F

This Certificate does not amend, extend or alter the coverage afforded by the standard form policies listed below.

Insured: Name Address Zip Phone No.	TOWN OF CHEEKTOWAGA BROADWAY & UNION ROAD CHEEKTOWAGA, NY 14227	III Companies Affording Coverages
		A UNITED STATES FIDELITY & GUARANTY COMPANY
		B
		C
Name Address Zip Phone No.	JOSEPH J. NAPLES & ASSOCIATES, INC. 490 DELAWARE AVENUE BUFFALO, NY 14202 716 882 6909	D

This is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

Indicate Type of Insurance By Checking the Box	Policy Number	Expiration Date	Limits of Liability in Thousands		
			Check The Box	Each Occurrence	Aggregate
COMPANY LETTER from III above 1. General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises and Operations <input type="checkbox"/> Products/Completed Operations <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Contractual <input type="checkbox"/> Personal Injury <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Explosion, Collapse <input type="checkbox"/> Underground Hazard			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit		
A 2. Automobile Liability <input checked="" type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input checked="" type="checkbox"/> owned <input checked="" type="checkbox"/> hired <input checked="" type="checkbox"/> non-owned	BAP096959 027	3-30-88	<input type="checkbox"/> Bodily Injury Property Damage OR <input checked="" type="checkbox"/> Combined Single Limit	\$1000	
3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both	ON FILE		Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
4. Worker's Compensation & Employer's Liability Disability Benefits	FEB 23 1988 IN CLAIMS OFFICE		Statutory Statutory		
5. Other	LAW DEPARTMENT				

County of Erie is included as an additional insured under the following Policy numbers: BAP 096959027

Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York

ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate, before such change shall be effective.

Name and Address of Certificate Holder & Recipient of Notice

County of Erie
 Department of Law
 69 Delaware Ave. - Suite 300
 Buffalo, New York 14202
 (716) 846-6811

Date Issued 12-8-87aw

Auth. Representative

Firm Name & Address

JOSEPH J. NAPLES & ASSOCIATES, INC.

490 Delaware Ave., Buffalo, NY 14202

FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate
 Purchase Order or Contract Number
 Vendor Insurance Classification

SNOW REMOVAL CONTRACT

EXHIBIT IC
Rev. 1-85

APPENDIX F
County of Erie Standard Insurance Certificate

This certificate does not amend, extend or alter the coverage afforded by the standard from policies listed below.



I Insured: Name Address Zip Phone No.	TOWN OF CHEEKTOWAGA Broadway & Union Road Cheektowaga, NY 14227	III Companies Affording Coverages A UNITED STATES FIDELITY & GUARANTY B C D
II Issuing Agency: Name Address Zip Phone No.	JOSEPH J. NAPLES & ASSOCIATES, INC. 490 Delaware Avenue Buffalo, NY 14202 716-882-6909	

IV This is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

Indicate Type of Insurance By Checking the Box	Policy Number	Expiration Date	Limits of Liability in Thousands			
			Check The Box	Each Occurrence	Aggregate	
COMPANY LETTER from III above			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit			
A	2. Automobile Liability <input checked="" type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input checked="" type="checkbox"/> owned <input checked="" type="checkbox"/> hired <input checked="" type="checkbox"/> non-owned	BAP 102134880	3-30-89	<input type="checkbox"/> Bodily Injury Property Damage OR <input checked="" type="checkbox"/> Combined Single Limit	\$1,000	
	3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
	4. Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
	5. Other					

V County of Erie is included as an additional insured under the following Policy numbers: BAP 102134880

VI Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York

VII ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

VIII Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate, before such change shall be effective.

IX Name and Address of Certificate Holder & Recipient of Notice	Date Issued 6/22/88
E. HARRIS Director of Contract Services SENIOR SERVICES RATH BLDG RM 1329 95 FRANKLIN ST BUFFALO NY 14202 716-846-6421	Auth. Representative Joseph J. Naples Firm Name & Address Jos. J. Naples & Associates, Inc. 490 Delaware Avenue Buffalo, New York 14202

FOR CO

County Dept. Requesting Certificate SENIOR SERVICES ROOM 1329 RATH

Purchase Order or Contract Number
Vendor Insurance Classification

"G" TOWN CHEEKTOWAGA

APPENDIX F

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.....7th.....day of.....April.....1986.. at.....7:00.....o'clock p.m. Eastern.....Standard.....Time there were:

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

ABSENT: 0

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town's appointed Insurance Advisory Committee and Insurance Consultant have requested, received and evaluated proposals for the renewal of the Town's general insurance, which expired as of March 30, 1986, and for self-insurance alternatives, and

WHEREAS, notwithstanding the Town's excellent loss and risk management record, insurers have refused to provide most liability insurance, as is evidenced by the lack of quotations received, and

WHEREAS, it is believed that any insurance that might be available from the New York State Insurance Department Municipal Marketing Assistance Program would be excessively priced and would not provide for catastrophe liability claims in any event, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga, being forced by the unavailability and/or excessive cost of insurance (other than Auto Liability Insurance):

1. elects to self-fund its risks of loss for which no insurance is purchased, including, but not limited to the risks normally covered by General Liability, Police, Professional Liability, Dispatchers Errors & Omissions Liability, and Excess Umbrella Liability policies; and
2. assumes its legal obligations to respond on behalf of itself and others to whom it has contracted to or is obligated to provide such insurance.

and, BE IT FURTHER

RESOLVED, that the Town will, in the future, by means of separate resolutions:

1. retain claims administration and loss control services; and
2. establish prudent reserve funds as permitted by law to spread the payment of uninsured claims and losses over a period of several years.

Upon roll call

Supervisor Weber	Voting	AYE
Councilman Johnson	Voting	AYE
Councilman W.P. Rogowski	Voting	AYE
Councilman J.V. Rogowski	Voting	AYE
Councilman Jaworowicz	Voting	AYE
Councilman Kowal	Voting	AYE
Councilman Gabryszak	Voting	AYE
AYES:	7	
NAYES:	0	
ABSENT:	0	

ORIGINAL DOCUMENT.
 ON FILE;

JUNE 3 1986
 IN CLAIMS OFFICE
 LAW DEPARTMENT

APPENDIX F
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD
adjourned

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the.....24th.....day of.....March....., 19..80.
at.....o'clock p.m. Eastern.....Standard.....Time there were:

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

ABSENT:

Motion by Supervisor Meyers

Seconded by Councilman Swiatek

WHEREAS Subdivision 4..a. of Section 50 of the New York Worker's Compensation Law permits a town to self-insure its obligation to secure compensation to its employees without bond or security; and

WHEREAS the Town has received and examined proposals for a self-insurance program and has reviewed its consultant's evaluation of such proposals and has determined the potential benefits to the Town should exceed the potential of costs exceeding the purchase of insurance, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga elects to self-insure its obligation to pay compensation to its employees and directs the Town Clerk to submit a Notice of Election to secure compensation as a self-insurer and a certified copy of this Resolution to the Chairman, Workers' Compensation Board as required by law; and BE IT FURTHER

RESOLVED that the Town elects to self-insure and pay compensation benefits in accordance with the Workers' Compensation Law of the State of New York to elected and appointed officials, policemen, and other persons employed and paid wages by the Town whether or not required by said law; and BE IT FURTHER

RESOLVED that the Town will, by separate resolutions, establish a reserve fund for the payment of self-insured compensation benefits, retain the services of licensed firms to administer its self-insurance program and, subject to submission of approved vouchers, authorize the payment of funds to the selected claims administration firm to pay self-insured claims on behalf of the Town.

ORIGINAL DOCUMENT

ON FILE:

James R. Burst
MAY 1980

IN CLAIMS OFFICE
LAW DEPARTMENT

APPENDIX F

The Mayor
The
Town of
Cheektowaga



OFFICE OF THE TOWN ATTORNEY

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

686-3457

JAMES J. KIRISITS
TOWN ATTORNEY

KEVIN G. SCHENK
Deputy Town Attorney

MICHAEL J. STACHOWSKI
Special Prosecutor

June 20, 1988

County of Erie
Department of Law
69 Delaware Avenue
Buffalo, New York 14202

Att'n: Patrick H. NeMoyer, Esq.
County Attorney

Re: Self-Insurance Notification
Town of Cheektowaga

Dear Mr. NeMoyer:

This notice will certify that, due to the unavailability of certain insurances as of March 30, 1986, the Town of Cheektowaga has elected to become a self-insurer for liabilities formerly covered by policies of Comprehensive General, Police and Dispatchers Professional, and Excess Umbrella Liability Insurance. A copy of the Town Board resolution effecting this change is enclosed herein.

In lieu of a Certificate of Insurance, please accept this notice as evidence of the Town's intent to pay its legal obligations for meritorious General, Police/Dispatchers Professional, and other uninsured liability claims made against it and relating to the Town's agreements with the County concerning Nutrition, Snow Removal and STOP-DWI.

Payments for such claims will be guaranteed by the full faith and credit of the Town or its districts, as applicable, and will be paid out of current budgeted funds or, if insufficient, from funded loss reserves or from the proceeds of bonds which current laws permit the Town to issue to pay claims against it.

I hope the above statement will be sufficient to replace any insurance requirements you have. Should you have any questions concerning this matter, please feel free to call me.

Very truly yours,

Kevin G. Schenk

Kevin G. Schenk
Deputy Town Attorney

Encl.

cc: Ernest A. Holfoth
Sylvia A. Slawiak

OFFICE OF THE TOWN ATTORNEY

*Approved
Jacket
8/1/88*

APPENDIX F

The
Town of
Cheektowaga



OFFICE OF THE TOWN ATTORNEY
TOWN HALL, BROADWAY AND UNION ROAD
CHEEKTOWAGA, NEW YORK 14227
686-3457

JAMES J. KIRISITS
TOWN ATTORNEY

KEVIN G. SCHENK
Deputy Town Attorney

MICHAEL J. STACHOWSKI
Special Prosecutor

December 14, 1987

County of Erie
Department of Public Works,
Division of Highways
95 Franklin Street
Buffalo, New York 14202

ON FILE
[Signature]
FEB 1988
IN CLAIMS OFFICE
LAW DEPARTMENT

Att'n: Melvin Case
Coordinator of Local Roads

Re: Snow Removal Contract with Town of Cheektowaga:

Dear Mr. Case:

Pursuant to your request, I am enclosing herewith a County of Erie Standard Insurance Certificate evidencing that the Town of Cheektowaga maintains automobile liability insurance coverage through Joseph J. Naples & Associates, Inc. with an expiration date of 3/30/88. I believe you already have last year's insurance certificate on this matter which was issued 5/21/86.

Also enclosed herewith is a notification of the Town's self-insurance for Comprehensive General, Police & Dispatchers Professional, and Excess Liability Insurance; and a letter from the State Workers' Compensation Board stating that the Town is an accepted self-insured employer.

I believe this is everything you should need from the Town as proof of our insurance coverage. Should you need anything further, please do not hesitate to contact me.

Very truly yours,

DEPARTMENT OF LAW

[Signature: Kevin G. Schenk]

Kevin G. Schenk
Deputy Town Attorney

Encl.

cc: Highway Dept.
Sylvia Slawiak
Ernest A. Holfoth

OFFICE OF THE TOWN ATTORNEY

APPENDIX F

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
TWO WORLD TRADE CENTER
NEW YORK, N. Y. 10047

488-2122

THIS AGENCY EMPLOYS AND
SERVES THE HANDICAPPED
WITHOUT DISCRIMINATION.



ARTHUR COOPERMAN
CHAIRMAN

March 28, 1980

Mr. James Coyle, Vice President
Robert F. Coleman, Inc.
127 John Street
New York, New York 10038

Re: Self-Insurance - Workers' Compensation
Town of Cheektowaga

Dear Mr. Coyle:

This is to notify you that the Town of Cheektowaga has been accepted as a self-insured employer under the Workers' Compensation Law effective March 30, 1980.

Very truly yours,

MILTON SALMONOWITZ
Principal Examiner

MS:sw

cc: Town of Cheektowaga ✓

ORIGINAL DOCUMENT
ON FILE;

JUN 9 1980
IN CLAIMS OFFICE
LAW DEPARTMENT

RECEIVED

JUN 10 1980

Richard M. Moleski, Town Clerk

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 1st day of August, 1988, at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special traffic options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1988 and terminated December 31, 1988 with the County of Erie concerning its STOP-DWI program, and BE IT FURTHER

RESOLVED, THAT THE Supervisor be and hereby is authorized to execute six (6) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

APPENDIX G

STATE OF NEW YORK
ERIE COUNTY
OFFICE OF THE CLERK OF THE
TOWN OF CHEEKTOWAGA

SS:

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

in said County of Erie, on the 1st day of August 19 88, and that the same is a correct and true transcript of such original resolution and the whole thereof.

(SEAL)

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 3rd day of August 19 88

Richard M. Moleski
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, N. Y.

MEETING NO. 16
August 1, 1988

Item No. 12e Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, pursuant to the Environmental Impact 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 Impact 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 22, 1988, rendered the determinations shown on the attached memo dated July 25, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the July 25, 1988 memo attached hereto:

Item III	Dingens & Rossler
Item IV	2770 Walden Avenue

*SEE NEXT TWO PAGES FOR COPY OF MEMO.

RE: EQR - July 22, 1988
July 25, 1988
Page 2

ITEM II Como/Borden Subdivision

Applicant: Bella Vista

Determination: Non-Significant With Stipulations

The applicant is proposing to establish an eight (8) lot subdivision, located at the Northwest corner of Como Park Boulevard and Borden Road and will have over-size lots as a result of numerous deed restrictions. These deed restrictions require lots along Como Park Boulevard to be 100 ft. in width or in the case of Lots 6,7,8, that they be under one ownership for their entire length and never further subdivided. The area is now and continues to be developed residentially therefore the subdivision would be compatible with existing surrounding uses. The Developer should be encouraged to retain as many of the existing trees and aesthetic vegetation as is possible involving these lots. This item had been referred to the Erie County Department of Environment & Planning and New York State Department of Environmental Conservation. These agencies have until August 8 to comment. Therefore, the determination of non-significance is subject to any conditions or comments made by the respective agencies.

ITEM III Dingens & Rossler - Gateway Park Office Bldg

Applicant: Roberts/Shackleton Architects

Determination: Non-Significant With Stipulations

This item had been before the Committee a number of times and as a result the applicant approached the Zoning Board for a variance on parking requirements. The site, has shared parking with the Holiday Inn and the existing Gateway Office Building. The Zoning Board of Appeals granted the variance request at their June 15 meeting. The stipulation or condition for the determination of non-significance is that the applicant approach the Planning Board for approval of landscaping for the site with and without the alternate parking which is proposed for Town property.

RE: EQR - July 22, 1988
July 25, 1988
Page 3

ITEM IV 2770 Walden Avenue - Proposed Addition To
Pepsi-Cola Bottling
Facility

Applicant: Pepsi-Cola Bottling of Buffalo

Determination: Non-Significant

This item had been before the Committee previously and was found to be compatible with existing uses as this addition would be for offices. No adverse impacts are expected as the employment would remain constant and would not generate additional traffic. The Architect had approached the Planning Board for approval on the landscaping and has received same.

ITEM V	St. Joseph's Inter-Community Hospital	-	Proposed Rezoning
--------	--	---	-------------------

Applicant: St. Joseph's Inter-Community Hospital/
Cannon Design

Determination: The applicant per telephone conversation on July 22, 1988 was withdrawing the application for rezoning. A formal letter to that effect will be sent to the Town Clerk with the understanding that a request for rezoning may be filed at some future date.

MEETING NO. 16
August 1, 1988

Item No. 13a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Kulyk Seconded by Councilman Solecki

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 8, 1988, rendered the determinations shown on the attached memo dated July 12, 1988, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board hereby affirms the recommendations made (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the July 12, 1988 memo attached hereto:

Item III

French Road east of Borden

*SEE NEXT PAGE FOR COPY OF MEMO.

RE: EQR - July 8, 1988
July 12, 1988
Page 2

ITEM II 4785 Union Road @ - Proposed Rezoning From "R"
 Cleveland Drive Residential To "RC"
 Restricted Business

Applicant: Bertram Klein

Determination: Non-Significant

This item had been before the Committee previously and the applicant had been requested to submit detailed site plan showing landscaping, parking and the proposed addition. He has done so, and in designing the site, has included a large amount of landscaping that does not presently exist. The Committee found no adverse impact in this rezoning as it is a continuation of retail zonings in the area and the overall result of rezoning will be to improve the site through landscaping and remodeling of the building.

ITEM III French Road East Of - Proposed Strip Plaza
 Borden Road

Applicant: Allied Design Collaborative

Determination: Non-Significant

The applicant had been in previously and had been instructed to revise the plot plan as it did not conform to drainage ordinance requirements as well as zoning requirements. As a result, the site plan was amended to conform with all present regulations. The plaza will consist of two separate buildings connected by an architectural arch along French Road. This arch which will have a clearance of 20 feet and will be unique for that part of Town. The plan appears to have more than adequate landscaping and the Planning Board will review this at their July 14 meeting. No adverse impacts are expected as this is a use that is present throughout this stretch of French Road.

ITEM IV 3770 Union Road - Proposed Development Of
 Putt-Putt/Citibank Site

Applicant: John Kloch, Architect

Determination: Non-Significant With Stipulations

This item had previously before the Committee and sent back to the applicant for re-design and more information.

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Item No. 13b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13c Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, property located on the northwest corner of Union Road and Postal Drive (3770 Union road) was previously rezoned from M1-Light Manufacturing District to CM-General Commercial District, and

WHEREAS, pursuant to Section 82-71 of the Code of the Town of Cheektowaga, the development plan for such property must be adhered to, and revisions to same must be approved by this Town Board, and

WHEREAS, a revised development plan for 3770 Union Road has been submitted, which plan proposes to change the layout of the Putt-Putt operation and lease the northwest corner of Union Road and Postal Drive for construction of a Citibank facility, and

WHEREAS, the Town Environmental Advisory Committee, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, at its meeting held on July 8, 1988, recommended a determination that the revised development plan would not have a significant effect on the environment provided the Engineering Department approves drainage for the entire site as well as for the drainage ditch on the north end of the property, and

WHEREAS, the Planning Board has reviewed the revised development plan and has recommended that same be approved contingent on input from the Traffic Safety Commission and a lease agreement between Putt-Putt and Citibank acceptable to the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the recommendations made by the Environmental Advisory Committee with respect to the revised development plan for 3770 Union Road, and BE IT FURTHER

RESOLVED that the revised development plan for 3770 Union Road which is attached to the July 5, 1988 letter of the Cheektowaga Planning Board be and hereby is declared to be substantially in agreement with the intent of the original plan for 3770 Union Road and is therefore accepted subject to the conditions mentioned in the July 5, 1988 letter of the Planning Board.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14a Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located South of 27 Peoria Avenue, North of 17 Peoria Avenue, Sub Lot #23, Cheektowaga,, New York, S.B.L. #113.55-10-10 and according to the Assessors' Office is owned by Wacław Wozniak, 1371 Harlem Road, 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.

MEETING NO. 16
August 1, 1988

Item No. 14a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14b Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located 124 Alaska Street, Sub Lots 38 and 39, Pt. 40, Cheektowaga, New York, SBL # 113.69-3-6.1 and according to the Assessor's Office is owned by Ricky and Susan Sees, Buffalo, New York 14207, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located 1091 Maryvale Drive, Cheektowaga, New York, SBL #92.09-4-2 and according to the Assessor's Office is owned by Joseph S. Matuszewski, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14d Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located West of 1 Floral Place, Cheektowaga, New York, SBL #91.20-18-10 and according to the Assessor's Office is owned by Diego Cuva & 1, Lancaster, 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

Item No. 14d Cont'd.

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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15a 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 ambulance 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 ambulance 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 TWO PAGES FOR LIST OF AMBULANCE DRIVER/ATTENDANTS

Aug. 1, 1988

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

New

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Bixler, Brian D.	Buffalo, N.Y. 14214	Gold Cross	5/31/90
Brown, Duane J.	Buffalo, NY 14213	Gold Cross	5/31/90
Deinhart, Robert H.	Buffalo, NY 14222	Gold Cross	12/31/88
Dixon, Ronald	Hamburg, N.Y. 14075	Gold Cross	12/31/89
Feldbauer, Michael J.	Belmont, N.Y. 14813	Gold Cross	12/31/90
Foster, David G.	Orchard Park, NY 14127	Gold Cross	5/31/90
Grabowski, Gerald D.	Buffalo, N.Y. 14212	Gold Cross	12/31/90
Hooten, Christopher M.	Amherst, N.Y. 14221	Town's	3/31/91
Ihlenburg, Constance K.	Amherst, N.Y. 14226	Town's	5/31/90
Kaplewicz, Brian A.	Elma, N.Y. 14059	Town's	3/31/91
Kay, Joseph D.	Williamsville, N.Y. 14221	Town's	12/31/90
Krohn, Ralph M.	Buffalo, NY 14220	Gold Cross	5/31/91
Kyser, Joseph C.	Buffalo, NY 14213	Gold Cross	5/31/91
Leffler, Richard L.	Amherst, N.Y. 14226	Town's	12/31/89
Lorenzo, Jacqueline A.	Williamsville, NY 14221	Town's	1/31/91
** Marshall, Brian C.	N. Tonawanda, NY 14120	Town's	5/31/91
Morin, Richard R.	Buffalo, NY 14215	Town's	12/31/90
Smith, Dorene K.	Buffalo, NY 14206	Gold Cross	5/31/91
** Smith, William H. Jr.	North Tonawanda, NY 14120	Town's	1/31/91
Stickney-Heath, Laura J.	Lewiston, NY 14092	Gold Cross	5/31/91

**INDICATES ATTENDANT ONLY

Item No. 15a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15b 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 ambulance 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 ambulance 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 ambulance 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 OF RENEWAL DRIVER/ATTENDANTS

8-1-88

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE
RENEWALS

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Fedkiw, Kimberly F.	Buffalo, NY 14207	Gold Cross	5/31/90
Grant, William F.	Lancaster, NY 14086	Town's	8/31/90
Horning, Abigail T.	Amherst, N.Y. 14150	Town's	5/31/90
Kaplewicz, Christopher E.	Lancaster, NY 14086	Gold Cross	3/31/91
Richardville, Paul A.	Buffalo, NY 13211	Gold Cross	5/31/89
Rumschik, Michael T.	Tonawanda, NY 14223	Gold Cross	5/31/91
Smeller, Ronald J., Jr.	Tonawanda, NY 14150	Town's	5/31/90

Item No. 15b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals, hired as Seasonal and/or Part-Time employees in the various Departments listed, be and hereby are terminated:

SANITATION DEPARTMENT

EFFECTIVE

David Cavanaugh
Barry Connors

Immediately
Immediately

FACILITIES DEPARTMENT

Leonard Stachowiak

7/23/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17a Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated June 6, 1988, the Town Board created the part-time position of Zoning Enforcement Officer, AND

WHEREAS, Jerome A. Bauer has applied for and meets the qualifications of such position, NOW, THEREFORE, BE IT

RESOLVED that Jerome A. Bauer of be and hereby is appointed to the part-time position of Zoning Enforcement Officer at the rate of \$7.00 per hour, not to exceed an annual salary of \$8,000.00

Motion by Councilman Kulyk Seconded by Supervisor Swiatek to amend the above resolution, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AMENDED RESOLUTION

WHEREAS, by resolution dated June 6, 1988, the Town Board created the part-time position of Zoning Enforcement Officer, AND

WHEREAS, Jerome A. Bauer has applied for and meets the qualifications of such position, NOW, THEREFORE, BE IT

Item No. 17a Cont'd.

RESOLVED that Jerome A. Bauer of be and hereby is appointed to the part-time position of Zoning Enforcement Officer at the rate of \$7.00 per hour, at an annualized salary of \$8,000.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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

WHEREAS, by resolution dated June 6, 1988, the Town Board created the part-time position of Assistant Building Inspector in the Town of Cheektowaga, AND

WHEREAS, Gary L. Parks has applied for and meets the qualifications of such position, NOW, THEREFORE, BE IT

RESOLVED that Gary L. Parks of be and hereby is appointed to the part-time position of Assistant Building Inspector at an annual salary of \$8,000.

Motion by Councilman Kulyk Seconded by Supervisor Swiatek to amend the above resolution, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AMENDED RESOLUTION

WHEREAS, by resolution dated June 6, 1988, the Town Board created the part-time position of Assistant Building Inspector in the Town of Cheektowaga, AND

WHEREAS, Gary L. Parks has applied for and meets the qualifications of such position, NOW, THEREFORE, BE IT

RESOLVED that Gary L. Parks of be and hereby is appointed to the part-time position of Assistant Building Inspector at the rate of \$7.00 per hour, at an annualized salary of \$8,000.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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

WHEREAS, the Town of Cheektowaga Department of Sanitation has a 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

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Item No. 17c Cont'd.

York be appointed to the position of Permanent MEO-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 1, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, funds are presently available under the Buffalo Cheektowaga Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Program starts on June 30th, 1988, participants work a maximum of 40 hours per week at \$3.35 per hour, and a termination date not to exceed September 16, 1988, NOW, THEREFORE, BE IT

RESOLVED that the following persons will be hired based on availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor:

Blaszowski, Tanya	14227
Carrick, Kris	14227
Cavalerie, Louis	14227
Hoffarth, Karen	14225
Juszczak, Holly	14227
McCloskey, James	14225
Schmidt, Jennifer	14215
Seehase, Linda	Bowmansville
Shotwell, Ann	
Voigt, Lisa	14227
White, Richard	14227
Wild, Theresa	Depew
Wojtkowski, Joseph	14227

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18b Hiring of Seasonal/Part-Time Van Driver
This item was withdrawn.

Item No. 18c Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

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:

EFFECTIVE

FACILITIES DEPARTMENT - PARKS DIVISION - Seasonal - \$3.35 per hour

Michael Niezgoda	8/1/88
Richard Thormann	Immediately
Shamon Harrell	Immediately

SANITATION DEPARTMENT - Part-time - \$5.00 per hour

Andrew Kucharski	Immediately
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MEETING NO. 16
August 1, 1988

Item No. 18c Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga is in the process of purchasing the Alexander Street Middle School from the Cheektowaga Central School District, and

WHEREAS, prior to use of such building by the town, information is needed concerning the conversion of such building for Town offices and recreational uses, and

WHEREAS, Scaffidi and Moore, architects,, have submitted a proposal to conduct a feasibility study on the conversion of such school building for Town uses, such feasibility study to include:

1. feasibility study for proposed Town uses
2. energy conservation review
3. handicapped accessibility review
4. phased program for use
5. budget estimates
6. space utilization
7. maintenance costs
8. code compliance

and

WHEREAS, the cost for such feasibility study would be \$2,500 as per the proposal from Scaffidi and Moore, NOW, THEREFORE, BE IT

RESOLVED that Scaffidi and Moore hereby is retained to conduct the aforementioned feasibility study on the Alexander Street Middle School at a cost not to exceed \$2,500, and BE IT FURTHER

RESOLVED that moneys for such study shall be appropriated from budget line item 01.1910.4459.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, this Town Board awarded the contract for the Huth Road Storm Sewer Project to Toro Construction Inc. for the total bid price of \$81,649.00, AND

WHEREAS, the contract has been completed and a change order is necessary in order to provide for the adjustment of quantities involved in said storm sewer construction contract, which quantity adjustment resulted in a decrease in the contract in the amount of \$1,914.00, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for a total decrease to the original contract price of \$1,914.00 to Toro Construction Inc. be approved, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be authorized and directed to sign said Change Order No. 1.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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Item No. 21 Change in contract for remodeling and pump replacement at Roycroft Pumping Station
This item was withdrawn.

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

WHEREAS, Los-Green Inc., the developer of the Losson Green Estates Subdivision, has completed the installation of the street lighting system as required in conjunction with the development of Phase 6 of said subdivision, AND

WHEREAS, the New York State Electric & Gas Corporation has energized the lighting system in Phase 6 of the Losson Green Subdivision and the subject equipment is functioning satisfactorily, AND

WHEREAS, in accordance with the Public Improvement Permit Ordinance, the developer has previously placed funds in escrow with the Town as surety, in lieu of a Performance Bond, to guarantee installation of the subject street lighting system, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$5,600.00 currently being held in escrow by the Town be released to the person or persons who had deposited same, AND, BE IT FURTHER FURTHER

RESOLVED that the luminaires, fiberglass standards, conductors and conduit for the below described installations, whose ownership has been transferred to the Town, are to be maintained by the Town of Cheektowaga, and the connections, energy and lamp replacements are to be supplied by the New York State Electric & Gas Corporation.

STREET LIGHTING EQUIPMENT

LOCATION

Standard No. 6	Westerly side of Hillpine Road between S.L. 75 & S.L. 74
Standard No. 7	Westerly side of Hillpine Road between S.L. 77 & S.L. 78
Standard No. 8	Easterly side of Hillpine Road between S.L. 110 & S.L. 111
Standard No. 9	Easterly side of Hillpine Road between S.L. 113 & S.L. 114
Standard No. 6	Northerly side of Rushford Lane mid-point of S.L. 84
Standard No. 7	Southerly side of Rushford Lane between S.L. 156 & S.L. 157
Standard No. 8	Southerly side of Rushford Lane at the intersection of Hillpine Road

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 23 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

HUD CDBG FUND

FROM:	1984.0704 (Contingency)	\$16,027.56
	1985.0704 (Contingency)	35,200.00
	1986.0704 (Contingency)	10,670.00
	1984.0708 (Admin.-Weatherization)	10,000.00
	1986.0704 (Contingency)	6,000.00

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Item No. 23 Cont'd.

TO:	1984.0770	(Housing Rehab.-Cheektowaga)	16,027.56
	1985.0770	(Housing Rehab.-Cheektowaga)	35,200.00
	1985.0770	(Housing Rehab.-Cheektowaga)	10,670.00
	1984.0770	(Housing Rehab.-Cheektowaga)	10,000.00
	1986.0701	(Planning Services)	6,000.00

SPECIAL DISTRICT FUND

FROM:	8135.4087	(Training & Seminars)	500.00
TO:	8135.4071	(Clothing Replacement)	500.00

GENERAL FUND

FROM:	1910.4711	(Contingency) (Law Dept.)	500.00
	1910.4711	(Contingency) (Council Dept.)	2,500.00
TO:	1910.4459	(Alexander St. School)	500.00
	1910.4459	(Alexander St. School)	2,500.00

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Johnson to amend the above resolution by adding certain transfers, and the voting was as follows:

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

* * * * *

AMENDED RESOLUTION

Motion by Supervisor Swiatek seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

HUD CDBG FUND

FROM:	1984.0704	(Contingency)	\$16,027.56
	1985.0704	(Contingency)	35,200.00
	1986.0704	(Contingency)	10,670.00
	1984.0708	(Admin.-Weatherization)	10,000.00
	1986.0704	(Contingency)	6,000.00
TO:	1984.0770	(Housing Rehab.-Cheektowaga)	16,027.56
	1985.0770	(Housing Rehab.-Cheektowaga)	35,200.00
	1985.0770	(Housing Rehab.-Cheektowaga)	10,670.00
	1984.0770	(Housing Rehab.-Cheektowaga)	10,000.00
	1986.0701	(Planning Services)	6,000.00

SPECIAL DISTRICT FUND

FROM:	8135.4087	(Training & Seminars)	500.00
TO:	8135.4071	(Clothing Replacement)	500.00

MEETING NO. 16
August 1, 1988

Item No. 23 Cont'd.

GENERAL FUND

FROM:	1910.4711 (Contingency) (Law Dept.)	500.00
	1910.4711 (Contingency) (Council Dept.)	2,500.00
	1910.4711 (Contingency)	6,900.00
	1910.4711 (Contingency)	14,200.00
TO:	1910.4459 (Alexander St. School)	500.00
	1910.4459 (Alexander St. School)	2,500.00
	9950.8802 (Transfer to Capital)	6,900.00
	1220.4957 (Grant Development)	14,200.00

CAPITAL FUND

FROM:	05-5031 (Interfund Transfer In)	6,900.00
TO:	8802.3120.0220 (E911 Project)	6,900.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Supervisor Swiatek Councilman Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to August 1, 1988 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 155,892.57
HIGHWAY FUND	215,828.38
CAPITAL FUND	302,819.25
TRUST & AGENCY FUND	175.21
HUD FUND	71,489.09
PART TOWN FUND	20,354.78
HUD RENTAL REHAB. FUND	21,259.25
RISK RETENTION FUND	34,562.39
SPECIAL DISTRICT FUND	220,586.42
	<u>\$1,042,967.34</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

II. FROM THE TABLE

Item No. 25a Authorize for Supervisor to sign agreement regarding Study of Slate Bottom Creek

Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, this Town Board is concerned about the ability of Slate Bottom Creek to handle storm water flows with the expectation of additional flows from the upstream area, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated June 6, 1988 for performing a detailed computerized hydraulic study of the Slate Bottom Creek basin and to provide a Storm Water

MEETING NO. 16
August 1, 1988

Item No. 25a Cont'd.

Management Plan for development along the Slate Bottom Creek watershed, inclusive of upstream communities, and suggestions of improvements throughout this waterway, be and hereby is accepted and approved, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc. for said study of Slate Bottom Creek, AND, BE IT FURTHER

RESOLVED that funding in the amount of \$32,000 for the preparation of the Storm Water Management Study is to be charged to Account #03-8540-0004-4572

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25b Authorization for Supervisor to sign agreement regarding water detention facilities in Storm Sewer District #7

Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, this Town Board, in its roll of increasing detention basin facilities in the upstream area of Scajaquada Creek and its tributaries as part of its Storm Water Management Program, AND

WHEREAS, the U-Crest Ditch and the Dean/Hyland area of Storm Sewer District #7 have been targeted for improvements, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated May 10, 1988 for the preparation of a report to determine the feasibility of providing storm water detention facilities at the headwaters of the U-Crest Ditch and at the upstream area of Storm Sewer District #7 with said investigation to determine the location and extent of airport drainage into the U-Crest Ditch be and hereby is accepted and approved, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc., AND, BE IT FURTHER

RESOLVED that funding in the amount of \$28,880 is to be provided by the transfer of funds from the unappropriated fund balance of Storm Sewer District #3 and Storm Sewer District #7 Extension to Capital Project Account #05-8807-8148-0400.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25c Authorization for Supervisor to sign agreement regarding study of Scajaquada Creek Tributary T-1

Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, residents along Scajaquada Creek Tributary T-1 in the area north of Walden Avenue, west of the Thruway and south of Scajaquada Creek have expressed concerns about the improvements of a drainage system along Walden Avenue and Harlem Road by the New York State Department of Transportation, which improvements would increase the potential of flooding along said tributary, AND

WHEREAS, this Town Board is interested in developing a program of drainage improvements which, in addition to the diversion of storm waters currently being accomplished, will provide for further relief to residents along said tribu-

MEETING NO. 16
August 1, 1988

Item No. 25c Cont'd.

tary, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Camp, Dresser & McKee, as submitted to the Town Engineer and dated May 9, 1988 for a study of Scajaquada Creek Tributary T-1, be and hereby is accepted and 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 Camp, Dresser & McKee, AND, BE IT FURTHER

RESOLVED that the cost for said study in the amount of \$23,100 is to be chargeable to Account #03-8540-0004-4572.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 25d Authorization for Supervisor to sign agreement regarding Upstream Improvement Study

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, this Town Board is desirous of providing for additional storm water detention in the upstream area of Scajaquada Creek, AND

WHEREAS, the consulting firm of Camp, Dresser & McKee was engaged by the Town in a review of the Storm Water Management Program as submitted for the Walden Galleria and which investigation has provided data that can be utilized in an Upstream Improvement Study, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Camp, Dresser & McKee, as submitted to the Town Engineer and dated May 9, 1988 for determining the possibility of providing additional storage capacity along Scajaquada Creek and to evaluate the impact of upstream development in the Villages of Depew and Lancaster, and the Town of Lancaster, be and hereby is accepted and approved, AND, BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Camp, Dresser & McKee, AND, BE IT FURTHER

RESOLVED that funds for said Upstream Scajaquada Creek Study in the amount of \$30,080 be and hereby is to be provided by the transfer of funds from the unappropriated fund balance to Capital Project Account #05-8805-8146-0400.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26 Appointment to position of part-time Assistant Building Inspector.
This item was withdrawn.

Item No. 27 Change in pay rate for seasonal employees in Facilities Department.
This item was withdrawn.

Item No. 28 Release of Escrow funds regarding street lighting on Losson Green Estates Subdivision
This item was withdrawn.

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 29 Building Permits
Received and filed.
- Item No. 30 Supervisor's Statement of Funds for June 1988.
Received and filed.
- Item No. 31 Casimir Kozminski, Assessor: Decision on appeals by Board of
Assessment Review.
Received and filed.
- Item No. 32 Office of Disaster Preparedness: Quarterly Report - April-June 1988.
Received and filed.

IV. GENERAL COMMUNICATIONS

- Item No. 33 Letter from DePaul Memorial Health Service regarding Community resi-
dence for mentally disabled in Town of Cheektowaga
Received and filed.
- Item No. 34 Legal Documents regarding validity of Petition for Referendum
Copies of these documents were sent to Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary and James Kirisits, Town Attorney.
Received and filed.
- Item No. 35 Memo from NFTA regarding runway 14/32 Safety Improvements
A copy of this memo was sent to Chester Bryan, Town Engineer.
Received and filed.
- Item No. 36 Notice of Claim: Edward T. Grabski vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Robert Lis, Chief of Police; Joseph Naples
and Associates, Town's Insurance Carrier.
Received and filed.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Johnson to
suspend the rules to include the following four items, and the voting was as
follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

V. SUSPENSION OF RULES

- Item No. 37 Approval of Public Improvement Permit for construction of Galleria
Drive Bridge

MEETING NO. 16
August 1, 1988

Item No. 37 cont'd.

Motion by Unanimous

Seconded by Unanimous

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to and be maintained by the Town, be installed under a Public Improvement Permit, and

WHEREAS, the Pyramid Company of Buffalo, the developer of the Walden Galleria regional shopping center, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for the construction of the Galleria Drive Bridge crossing Scajaquada Creek just west of the I-90 overpass over Scajaquada Creek, and

WHEREAS, the Town Engineering Department, the Town Highway Department, and the engineering consultant retained by the Town reviewed the plans and specifications and find that the design of the subject bridge conforms with the Town requirements as outlined in the letter of the Town Highway Superintendent dated July 29, 1988 and in the letter of the Town Engineer dated July 29, 1988, attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Public Improvement Permit be and hereby is approved for the construction of the Galleria Drive Bridge crossing Scajaquada Creek just west of the I-90 overpass over Scajaquada Creek, and BE IT FURTHER

RESOLVED that the subject permit fee amounting to \$10,719.03 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of Public Improvement Permit fees.

* * * * *

Motion by Councilman Johnson Seconded by Supervisor Swiatek to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Unanimous

seconded by Unanimous

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to and be maintained by the Town, be installed under a Public Improvement Permit, and

WHEREAS, the Pyramid Company of Buffalo, the developer of the Walden Galleria regional shopping center, has submitted a Public Improvement Permit Application, plans and specifications, and permit fee for the construction of the Galleria Drive Bridge crossing Scajaquada Creek just west of the I-90 overpass over Scajaquada Creek, and

WHEREAS, the Town Engineering Department, the Town Highway Department, and the engineering consultant retained by the Town reviewed the plans and specifications and find that the design of the subject bridge conforms with the Town requirements as outlined in the letter of the Town Highway Superintendent dated July 29, 1988 and in the letter of the Town Engineer dated July 29, 1988, attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Public Improvement Permit be and hereby is approved for the construction of the Galleria Drive Bridge crossing Scajaquada Creek just west of the I-90 overpass over Scajaquada Creek, subject to the issuance of any necessary permit from the State Department of Environmental Conservation, and BE IT FURTHER

Item No. 37 Cont'd.

RESOLVED that the subject permit fee amounting to \$10,719.03 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of Public Improvement Permit fees.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 38 Suspension of Police Officer

Motion by Unanimous seconded by Unanimous

WHEREAS, disciplinary charges are being prepared against James E. Bollman, Police Officer, Cheektowaga Police Department, and

WHEREAS, the law allows the Town Board to suspend the accused without pay, and

WHEREAS, the Assistant Chief of Police of the Cheektowaga Police Department has recommended that James E. Bollman be suspended without pay, effective immediately, NOW, THEREFORE, BE IT

RESOLVED that on the recommendation of the Assistant Chief of Police, commencing on August 2, 1988, the suspension of James E. Bollman will be without pay pending the determination of the charges placed against him, AND, BE IT FURTHER

RESOLVED that a disciplinary hearing be scheduled for Monday, August 22, 1988 at 6:00 P.M.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 39 Permission for developer to continue land clearing on Woodlands at the Park Subdivision site

Motion by Councilman Solecki Seconded by Councilman Johnson

WHEREAS, this Town Board, by resolution dated June 20, 1988, approved a preliminary site plan for Woodlands at the Park, a proposed subdivision consisting of 32 lots, AND

WHEREAS, one of the conditions specified that the developer shall install a berm along his south property line as requested by the New York State Department of Environmental Conservation, AND

WHEREAS, there is need to clarify the intent of this condition, namely; that the berm is to be constructed south of the proposed subdivision and along the northerly boundary of the property to be conveyed to the Town, NOW, THEREFORE, BE IT

RESOLVED that Tom Greenauer Development, Inc. is hereby granted permission to continue land clearing as needed, with the clearing debris consisting of trees, branches and brush, to be deposited just south of the southerly edge of the Woodlands at the Park Subdivision along its entire length, with said material to be deposited as a natural rough berm within the width generally measuring in the neighborhood of 10', with the height to be maximized, such berm being of the type requested by the New York State Department of Environmental Conservation, AND, BE IT FURTHER

RESOLVED that before any land clearing commences, the developer must

Item No. 39 Cont'd.

have a surveyor place property stakes along the entire length of the southerly boundary of the subdivision to ensure that no disruption of the trees or brush occurs beyond the subdivision boundary, AND, BE IT FURTHER

RESOLVED that no topsoil shall be removed from the site without the developer obtaining a Topsoil Removal Permit for the bounds in excess of what is needed within the constraints of the subdivision.

* * * * *

Motion by Councilman Johnson Seconded by Supervisor Swiatek to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Councilman Solecki seconded by Councilman Johnson

WHEREAS, this Town Board, by resolution dated June 20, 1988, approved a preliminary site plan for Woodlands at the Park, a proposed subdivision consisting of 32 lots, AND

WHEREAS, one of the conditions specified that the developer shall install a berm along his south property line as requested by the New York State Department of Environmental Conservation, AND

WHEREAS, there is need to clarify the intent of this condition, namely; that the berm is to be constructed south of the proposed subdivision and along the northerly boundary of the property to be conveyed to the Town, NOW, THEREFORE, BE IT

RESOLVED that Tom Greenauer Development, Inc. is hereby granted permission to continue land clearing as needed, with the clearing debris consisting of trees, branches and brush, to be deposited just south of the southerly edge of the Woodlands at the Park Subdivision along its entire length, with said material to be deposited as a natural rough berm within the width generally measuring in the neighborhood of 10', with the height to be maximized, such berm being of the type requested by the New York State Department of Environmental Conservation, AND, BE IT FURTHER

RESOLVED that before any land clearing commences, the developer must have a surveyor place property stakes along the entire length of the southerly boundary of the subdivision to ensure that no disruption of the trees or brush occurs beyond the subdivision boundary, AND, BE IT FURTHER

RESOLVED that no topsoil shall be removed from the site without the developer obtaining a Topsoil Removal Permit for the bounds in excess of what is needed within the constraints of the subdivision, AND, BE IT FURTHER

RESOLVED that the deed to Reinstein Woods 200' X 1300' buffer zone, to be transferred to the Town of Cheektowaga in accordance with the terms of the memorandum of agreement dated June 20, shall be conveyed to the Town with approval of the Woodlands at the Park Subdivision.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

MEETING NO. 16
August 1, 1988

Item No. 40 Authorize Community Development Director to submit amendment to Housing Assistance Plan to Department of HUD for senior citizen housing projects.

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town wishes to encourage the development of senior citizen housing in the Town, and

WHEREAS, the Town's Housing Assistance Plan establishes as a goal the development of 100 units of federally funded Section 202 elderly housing units, and

WHEREAS, the Department of Housing and Urban Development has requested that the town designate, by census tract, those areas in the Town to be targeted for consideration of federally-funded senior citizen housing projects, and

WHEREAS, the Town Board desires to extend consideration of such projects to the entire Town, NOW, THEREFORE, BE IT

RESOLVED that the Community Development Director be and hereby is authorized to submit an amendment to the Town's Housing Assistance Plan to the Department of Housing and Urban Development designating the entire Town, by way of and enumeration of all of the census tracts located in the Town, for consideration of federally-funded senior citizen housing projects.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No.41 Motion by Councilman Kazukiewicz Seconded by Councilman Kulyk to adjourn the meeting.

Richard M. Moleski
Town Clerk

PUBLIC HEARINGS

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RESOLUTIONS

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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 15th day of August, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II, also Planning Board Chairman; Bill Pugh, Assistant Town Engineer; Don Wegner, Zoning Board Chairman; Tom Adamczak, Building Inspector; Robert Lis, Chief of Police; Ralph Majchrowicz, Supervising Account; Robert Pietrzak, Cheektowaga Economic Development Corp., Bernie Wojtkowiak, Erie County Legislator.

I. PUBLIC HEARINGS

Item No. 2a This being the time and place advertised for a public hearing to consider Increase and Improvements of Facilities of Sanitary Sewer District No. 5, in the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said regulations being as follows:

*See next page for description.

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.

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Sanitary Sewer District No. 5, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the

Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$700,000;

MEETING NO. 17
August 15, 1988

Item No. 2b This being the time and place advertised for a public hearing to consider Increase and Improvements of Facilities of Storm Sewer District No. 7, in the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said regulations being as follows:

*See next page for description.

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.

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Storm Sewer District No. 7, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin on such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$90,000;

Item No. 2c This being the time and place advertised for a public hearing to consider Increase and Improvements of Facilities of the Consolidated Garbage District in the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said regulations being as follows:

*See next page for description.

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.

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York on behalf of the Consolidated Garbage District, in the Town (herein called "District"), has determined that it is necessary to provide for the increase and improvement of facilities of the District, consisting of the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; and said Town Board has estimated the total cost thereof to be \$940,000;

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the Work Session of the Town Board scheduled for August 22, 1988 at 6:00 P.M. be and hereby is changed to August 24, 1988 at 6:00 P.M., said Work Session to be held in the Council Office, Town Hall, Broadway and Union Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 4a Bond Resolution - reconstruction of roads within Town Hall complex

* See next eleven Pages for resolution

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,
in the County of Erie, New York
August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

*

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*

Supervisor Swiatek offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE RECONSTRUCTION OF ROADS WITHIN
THE TOWN HALL COMPLEX, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$180,000,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$9,000 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$171,000 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF
SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
reconstruct roads within the Town Hall complex. The estimated
maximum cost of said specific object or purpose, including
preliminary costs and costs incidental thereto and the financing
thereof, is \$180,000 and said amount is hereby appropriated
therefor, including the appropriation of \$9,000 current funds to
provide the down payment required by the Law, as hereinafter
defined. The plan of financing includes the expenditure of said
current funds and the issuance of \$171,000 serial bonds of the
Town to finance the balance of said appropriation, and the levy

and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$171,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$171,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20.(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$9,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "Transfer to Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

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

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

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Supervisor Swiatek offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of roads within the Town Hall complex, stating the estimated maximum cost thereof is \$180,000, appropriating said amount therefor, including the appropriation of \$9,000 current funds to provide the required down payment, and authorizing the issuance of \$171,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct roads within the Town Hall complex; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$180,000; APPROPRIATING said amount therefor, including the appropriation of \$9,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$171,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$171,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$9,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$171,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

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

Amy C. Meyers, 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers

Sworn to before me this 18.....

day of August....., 19 88.

Justine D. Dembik

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of roads within the Town Hall complex, stating the estimated maximum cost thereof is \$180,000, appropriating said amount therefor, including the appropriations of \$9,000 current funds to provide the required down payment, and authorizing the issuance of \$171,000 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct roads within the Town Hall complex; and **STATING** the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$180,000; **APPROPRIATING** said amount therefor, including the appropriation of \$9,000 current funds to provide the down payment required by the Law, as hereinafter defined; **STATING** the plan of financing includes the expenditure of said current funds, the issuance of \$171,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$171,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$9,000 in the current budget of the Town; and **DIRECTING** the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$171,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 18, 1988

Item No. 4b Bond Resolution - reconstruction of Central Garage and Police and
Court Building

* See next eleven pages for resolution

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EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Jaworowicz offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE RECONSTRUCTION OF THE CENTRAL
GARAGE BUILDING AND THE POLICE AND COURT
BUILDING, STATING THE TOTAL ESTIMATED MAXIMUM
COST THEREOF IS \$95,000, APPROPRIATING SAID
AMOUNT THEREFOR, INCLUDING THE APPROPRIATION
OF \$4,750 CURRENT FUNDS TO PROVIDE THE
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE
ISSUANCE OF \$90,250 SERIAL BONDS OF SAID TOWN
TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
(i) reconstruct the Central Garage building, including the
replacement of various pieces of equipment, enhancement of the
exhaust system and installation of a new lighting system, at the
estimated maximum cost of \$15,000, and (ii) reconstruct the
Police and Court Building, including the installation of a new
roof-top air conditioning system, at the estimated maximum cost
of \$80,000, and to purchase the original furnishings, equipment,
machinery and apparatus required in connection with the purposes
for which said buildings are to be used. The total estimated

maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$95,000 and said amount is hereby appropriated therefor, including the appropriation of \$4,750 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$90,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$90,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The existing buildings are of Class "C" construction as defined by Section 11.00 a. 11.(c) of the Law, and the period of probable usefulness of said specific objects or purposes for which said \$90,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12.(a)(3) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this

resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$4,750 will be provided from moneys now available therefor in the current budget of the Town under the heading "Transfer to Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific objects or purposes herein described.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00

relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Jaworowicz offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of the Central Garage building and the Police and Court building, stating the total estimated maximum cost thereof is \$95,000, appropriating said amount therefor, including the appropriation of \$4,750 current funds to provide the required down payment, and authorizing the issuance of \$90,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to (i) reconstruct the Central Garage building, including the replacement of various pieces of equipment, enhancement of the exhaust system and installation of a new lighting system, at the estimated maximum cost of \$15,000, and (ii) reconstruct the Police and Court Building, including the installation of a new roof-top air conditioning system, at the estimated maximum cost of \$80,000 and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purposes for which said buildings are to be used; and STATING the total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$95,000; APPROPRIATING said amount therefor, including the appropriation of \$4,750 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$90,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$90,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing buildings are of Class "C" construction and the period of probable usefulness of the specific objects or purposes is ten (10) years; current funds are required by the Law to be provided prior to the

issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$4,750 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$90,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

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

Amy C Meyers....., 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 18 1988* ;
last publication..... *AUG 18 1988* ;
and that no more than six days intervened be-
tween publications.

.....
Sworn to before me this *18*

day of *August*, 19 *88*

..... *Justine D. Dembik*

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 *90*

LEGAL NOTICE
CHECTOWAGA,

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Chectowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Chectowaga, New York, adopted August 15, 1988, authorizing the reconstruction of the Central Garage building and the Police and Court building, stating the total estimated maximum cost thereof is \$95,000, appropriating said amount therefor, including the appropriation of \$4,750 current funds to provide the required down payment, and authorizing the issuance of \$90,250 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to (i) reconstruct Central Garage building, including the replacement of various pieces of equipment, enhancement of the exhaust system and the installation of a new lighting system, at the estimated maximum cost of \$15,000, and (ii) reconstruct the Police and Court Building, including the installation of a new roof-top air conditioning system, at the estimated maximum cost of \$80,000 and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purposes for which said buildings are to be used; and **STATING** the total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$95,000; **APPROPRIATING** said amount therefor, including the appropriation of \$4,750 current funds to provide the down payment required by the Law, as hereinafter defined; **STATING** the plan of financing includes the expenditure of said current funds, the issuance of \$90,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$90,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and **STATING** the existing buildings are

of Class "C" construction and the period of probable usefulness of the specific objects or purposes is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$4,750 in the current budget of the Town; and **DIRECTING** the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$90,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988
RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 18, 1988

Item No. 4c Bond Resolution - Installation of traffic signals

* See next eleven pages for resolution

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Johnson _____ offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE INSTALLATION OF TRAFFIC
SIGNALS ON VARIOUS TOWN ROADS, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$90,000,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$4,500 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$85,500 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF
SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
install traffic signals on various Town roads. The estimated
maximum cost of said specific object or purpose, including
preliminary costs and costs incidental thereto and the financing
thereof, is \$90,000 and said amount is hereby appropriated
therefor, including the appropriation of \$4,500 current funds to
provide the down payment required by the Law, as hereinafter
defined. The plan of financing includes the expenditure of said
current funds and the issuance of \$85,500 serial bonds of the
Town to finance the balance of said appropriation, and the levy

and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$85,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$85,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 72.(a) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$4,500 will be provided from moneys now available therefor in the current budget of the Town under the heading "^{Transfer to} Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

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

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

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Johnson offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the installation of traffic signals on various Town roads, stating the estimated maximum cost thereof is \$90,000, appropriating said amount therefor, including the appropriation of \$4,500 current funds to provide the required down payment, and authorizing the issuance of \$85,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to install traffic signals on various Town roads; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000; APPROPRIATING said amount therefor, including the appropriation of \$4,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$85,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$85,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$4,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$85,500 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the

renewals of said notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

(SEAL)


Town Clerk

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

AYES:

NOES:

The resolution was declared adopted.

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 18

day of August, 1988

Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the installation of traffic signals on various Town roads stating the total estimated maximum cost thereof is \$90,000, appropriating said amount therefor, including the appropriation of \$4,500 current funds to provide the required down payment, and authorizing the issuance of \$85,500 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to install traffic signals on various Town roads; and STATING the total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000; APPROPRIATING said amount therefor, including the appropriation of \$4,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$85,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$85,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of

\$4,500 in the current budget of the Town; and DIRECTING the Supervisor to set said said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$85,500 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988
RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 18, 1988

MEETING NO. 17
August 15, 1988

Item No. 4d Bond Resolution - reconstruction of roof of North Branch Library

* See next eleven (11) pages for resolution

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Jaworowicz offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE RECONSTRUCTION OF THE ROOF FOR
THE NORTH BRANCH LIBRARY BUILDING, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$133,500,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$6,675 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$126,825 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF
SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
reconstruct the roof for the North Branch Library building, and
to purchase the original furnishings, equipment, machinery and
apparatus required in connection with the purpose for which said
building is to be used. The estimated maximum cost of said
specific object or purpose, including preliminary costs and costs
incidental thereto and the financing thereof, is \$133,500 and
said amount is hereby appropriated therefor, including the
appropriation of \$6,675 current funds to provide the down payment
required by the Law, as hereinafter defined. The plan of

financing includes the expenditure of said current funds and the issuance of \$126,825 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$126,825, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The existing building is of Class "B" construction as defined by Section 11.00 a. 11.(b) of the Law, and the period of probable usefulness of said specific object or purpose for which said \$126,825 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$6,675 will be provided from moneys now available therefor in the current budget of the Town under the heading "^{Transfer to}~~Capital~~_____." The Supervisor is hereby authorized and directed to set aside said current funds

and to apply same solely to said specific object or purpose herein described.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of

the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Jaworowicz offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of the roof for the North Branch Library building, stating the estimated maximum cost thereof is \$133,500, appropriating said amount therefor, including the appropriation of \$6,675 current funds to provide the required down payment, and authorizing the issuance of \$126,825 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct the roof for the North Branch Library building and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said building is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$133,500; APPROPRIATING said amount therefor, including the appropriation of \$6,675 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$126,825 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$126,825 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "B" construction and the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$6,675 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to

said specific object or purpose; and the proposed maturity of said \$126,825 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

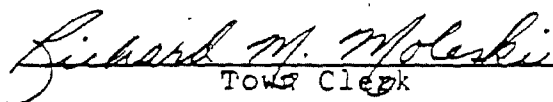
NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.


Town Clerk

(SEAL)

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 18

day of August, 19 88

..... *Justine D. Dembik*

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of the roof for the North Branch Library building, stating the estimated maximum cost thereof is \$133,500, appropriating said amount therefor, including the appropriation of \$6,675 current funds to provide the required down payment, and authorizing the issuance of \$126,825 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct the roof for the North Branch Library building and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said building is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$133,500; APPROPRIATING said amount therefor, including the appropriations of \$6,675 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$126,825 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon.

SECOND: AUTHORIZING the issuance of \$126,825 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds.

THIRD: DETERMINING and STATING the existing building is of Class "B" and the period of probable usefulness of the specific objects or purposes is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$6,675 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$126,825 serial bonds will exceed five (5) years.

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988
RICHARD M. MOLESKI
Town Clerk
PUBLISH: August 18, 1988

Item No. 4e Bond Resolution - Reconstruction of sidewalks

* See next eleven (11) pages for resolution

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EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.m. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Solecki offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE RECONSTRUCTION OF SIDEWALKS
WITHIN THE TOWN, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$60,000, APPROPRIATING SAID
AMOUNT THEREFOR, INCLUDING THE APPROPRIATION
OF \$3,000 CURRENT FUNDS TO PROVIDE THE
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE
ISSUANCE OF \$57,000 SERIAL BONDS OF SAID TOWN
TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
reconstruct various sidewalks within the Town. The estimated
maximum cost of said class of objects or purposes, including
preliminary costs and costs incidental thereto and the financing
thereof, is \$60,000 and said amount is hereby appropriated
therefor, including the appropriation of \$3,000 current funds to
provide the down payment required by the Law, as hereinafter
defined. The plan of financing includes the expenditure of said
current funds and the issuance of \$57,000 serial bonds of the
Town to finance the balance of said appropriation, and the levy
and collection of taxes on all the taxable real property in the

Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. bonds of the Town in the principal amount of \$57,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said class of objects or purposes for which said \$57,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 24. of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$3,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "^{Transfer to}Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said class of objects or purposes herein described.

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

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

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

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Solecki offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of sidewalks within the Town, stating the estimated maximum cost thereof is \$60,000, appropriating said amount therefor, including the appropriation of \$3,000 current funds to provide the required down payment, and authorizing the issuance of \$57,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct various sidewalks within the Town; and STATING the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$60,000; APPROPRIATING said amount therefor, including the appropriation of \$3,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$57,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$57,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the class of objects or purposes is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$3,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said class of objects or purposes; and the proposed maturity of said \$57,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the

renewals of said notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

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

Amy C. Meyers....., 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 18 1988.....;
last publication.....AUG 18 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this18.....
day ofAugust....., 1988.....
.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of sidewalks within the Town, stating the estimated maximum cost thereof is \$60,000, appropriating said amount therefor, including the appropriation of \$3,000 current funds to provide the required down payment, and authorizing the issuance of \$57,000 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to reconstruct various sidewalks within the Town; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$60,000; APPROPRIATING said amount therefor, including the appropriation of \$3,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$57,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$57,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$3,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$57,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988
RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 18, 1988

Item No. 4f Bond Resolution - Construction of golf course at Rehm Road Park

* See next eleven (11) pages for resolution

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.m. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Gabryszak offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE CONSTRUCTION OF A GOLF COURSE
AT REHM PARK, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$2,000,000, APPROPRIATING SAID
AMOUNT THEREFOR, INCLUDING THE APPROPRIATION
OF \$100,000 CURRENT FUNDS TO PROVIDE THE
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE
ISSUANCE OF \$1,900,000 SERIAL BONDS OF SAID
TOWN TO FINANCE THE BALANCE OF SAID
APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
construct a golf course at Rehm Park, including buildings
appurtenant or incidental thereto, land or rights in land,
original furnishings and equipment. The estimated maximum cost
of said specific object or purpose, including preliminary costs
and costs incidental thereto and the financing thereof, is
\$2,000,000 and said amount is hereby appropriated therefor,
including the appropriation of \$100,000 current funds to provide
the down payment required by the Law, as hereinafter defined.
The plan of financing includes the expenditure of said current

funds and the issuance of \$1,900,000 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. bonds of the Town in the principal amount of \$1,900,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$1,900,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 54. of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$100,000 will be provided from moneys now available therefor in the current budget of ~~the Town~~ under the heading "^{Transfer to} Capital ." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said

notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Gabryszak offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the construction of a golf course at Rehm Park, stating the estimated maximum cost thereof is \$2,000,000, appropriating said amount therefor, including the appropriation of \$100,000 current funds to provide the required down payment, and authorizing the issuance of \$1,900,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct a golf course at Rehm Park, including buildings appurtenant or incidental thereto, land or rights in land, original furnishings and equipment; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000; APPROPRIATING said amount therefor, including the appropriation of \$100,000 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$1,900,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,900,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$100,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$1,900,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Town of Cheektowaga this fifteenth
day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

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

Amy C. Meyers, 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers
Sworn to before me this 18
day of August , 1988
..... Justine D. Dembik
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the construction of a golf course at Rehm Park, stating the estimated maximum cost thereof is \$2,000,000, appropriating said amount therefor, including the appropriation of \$100,000 current funds to provide the required down payment, and authorizing the issuance of \$1,900,000 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct a golf course at Rehm Park, including buildings appurtenant or incidental thereto, land or rights in land, original furnishings and equipment; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000; APPROPRIATING said amount therefor, including the appropriation of \$100,000 current funds to provide the down payment required by the Law as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$1,900,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,900,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$100,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$1,900,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 18, 1988

Item No. 4g Bond Resolution - Improvement of various recreation facilities

* See next eleven (11) pages for resolution

29

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.m. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Gabryszak offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE IMPROVEMENT OF VARIOUS PARK
AND RECREATION FACILITIES WITHIN THE TOWN,
STATING THE TOTAL ESTIMATED MAXIMUM COST
THEREOF IS \$449,500, APPROPRIATING SAID AMOUNT
THEREFOR, INCLUDING THE APPROPRIATION OF
\$22,475 CURRENT FUNDS TO PROVIDE THE REQUIRED
DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF
\$427,025 SERIAL BONDS OF SAID TOWN TO FINANCE
THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
improve various park and recreation facilities within the Town,
including, (i) the removal of an underground gasoline tank at the
Town Park, at the estimated maximum cost of \$4,500, (ii) the
installation of lights at Stiglmeier Park for ^{recreational fields to include} baseball diamonds
nos. 1, 2, 3 and 6, at the estimated maximum cost of \$265,000,
(iii) the construction of various improvements, including
lighting, sound, stage area flooring and additional seating at
the Cultural Center located in the Town Park, at the estimated
maximum cost of \$30,000, and (iv) the construction of ^{a fenced} ~~an enclosed~~ ~~xxxxxx~~

field
baseball/softball ~~stadium~~ behind the Town Hall, at the estimated maximum cost of \$150,000. The total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$449,500 and said amount is hereby appropriated therefor, including the appropriation of \$22,475 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$427,025 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$427,025, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$427,025 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19.(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$22,475 will be provided from moneys now available therefor in the current budget of the Town under the heading "Transfer to Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific objects or purposes herein described.

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

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

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

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Gabryszak offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the improvement of various park and recreation facilities within the Town, stating the total estimated maximum cost thereof is \$449,500, appropriating said amount therefor, including the appropriation of \$22,475 current funds to provide the required down payment, and authorizing the issuance of \$427,025 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to improve various park and recreation facilities within the Town, including, (i) the removal of an underground gasoline tank at the Town Park, at the estimated maximum cost of \$4,500, (ii) the installation of lights at Stiglmeier Park for recreational fields to include baseball diamonds nos. 1, 2, 3 and 6, at the estimated maximum cost of \$265,000, (iii) the construction of various improvements, including lighting, sound, stage area flooring and additional seating at the Cultural Center located in the Town Park, at the estimated maximum cost of \$30,000, and (iv) the construction of a fenced baseball/softball field behind the Town Hall, at the estimated maximum cost of \$150,000; and STATING the total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$449,500; APPROPRIATING said amount therefor, including the appropriation of \$22,475 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$427,025 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$427,025 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes is fifteen (15)

years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$22,475 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$427,025 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

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

Amy C. Meyers....., 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. 18 1988..... ;
last publication..... AUG 18 1988..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18.....
day of August....., 1988.....
..... Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the improvement of various park and recreation facilities within the Town, stating the total estimated maximum cost thereof is \$449,500, appropriating said amount therefor, including the appropriation of \$22,475 current funds to provide the required down payment, and authorizing the issuance of \$427,025 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to improve various park and recreation facilities within the Town, including, (i) the removal of an underground gasoline tank at the Town Park, at the estimated maximum cost of \$4,500, (ii) the installation of lights at Siglmeier Park for recreational fields to include baseball diamonds nos. 1, 2, 3 and 6, at the estimated maximum cost of \$265,000, (iii) the construction of various improvements, including lighting, sound, stage area flooring and additional seating at the Cultural Center located in the Town Park, at the estimated maximum cost of \$30,000, and (iv) the construction of a fenced baseball/softball field behind the Town Hall, at the estimated maximum cost of \$150,000; and **STATING** the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$449,500; **APPROPRIATING** said amount therefor, including the appropriation of \$22,475 current funds to provide the down payment required by the Law, as hereinafter defined; **STATING** the plan of financing includes the expenditure of said current funds, the issuance of \$427,025 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$427,025 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific objects or purposes is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$22,475 in the current budget of the Town; and **DIRECTING** the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$427,025 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

**DATED: August 15, 1988
RICHARD M. MOLESKI**

Town Clerk

PUBLISH: August 18, 1988

Item No. 4h Bond Resolution - construction of drainage improvements and acquisition of land

* See next eleven (11) pages for resolution

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Councilman Johnson offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE CONSTRUCTION OF DRAINAGE
IMPROVEMENTS AND THE ACQUISITION OF LAND IN
RELATION THERETO, STATING THE TOTAL ESTIMATED
MAXIMUM COST THEREOF IS \$730,000,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$36,500 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$693,500 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF
SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
(i) construct a storm water detention basin, at the estimated
maximum cost of \$250,000, (ii) install drainage pipes across
William Street, at the estimated maximum cost of \$100,000, (iii)
acquire by purchase abandoned railroad property along the Lehigh
& Lake Erie Railroad for drainage purposes, at the estimated
maximum cost of \$100,000 and (iv) storm drainage improvement for
the Fontaine, Mafalda, Nina Drainage Project at the estimated
maximum cost of \$280,000. The total estimated maximum cost of
said specific objects or purposes, including preliminary
costs and costs incidental thereto and the financing thereof, is

\$730,000 and said amount is hereby appropriated therefor, including the appropriation of \$36,500 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$693,500 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$693,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$693,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$36,500 will be provided from moneys now available therefor in the current budget

of the Town under the heading "Transfer to Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific objects or purposes herein described.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board

relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Johnson offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the constriction of drainage improvements and the acquisition of land in relation thereto, stating the total estimated maximum cost thereof is \$730,000, appropriating said amount therefor, including the appropriation of \$36,500 current funds to provide the required down payment, and authorizing the issuance of \$693,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to (i) construct a storm water detention basin, at the estimated maximum cost of \$250,000, (ii) install drainage pipes across William Street, at the estimated maximum cost of \$100,000, (iii) acquire by purchase abandoned railroad property along the Lehigh & Lake Erie Railroad for drainage purposes, at the estimated maximum cost of \$100,000, and (iv) storm drainage improvement for the Fontaine, Mafalda, Nina Drainage Project at the estimated maximum cost of \$280,000; and STATING the total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$730,000; APPROPRIATING said amount therefor, including the appropriation of \$36,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$693,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$693,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes is forty (40) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$36,500 in the current budget of the Town; and DIRECTING the

Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$693,500 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.


Town Clerk

(SEAL)

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18.....
day of August....., 1988..
..... Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the construction of drainage improvements and the acquisition of land in relation thereto, stating the total estimated maximum cost thereof is \$730,000, appropriating said amount therefor, including the appropriation of \$36,500 current funds to provide the required down payment, and authorizing the issuance of \$693,500 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town (i) to construct a storm water detention basin, at the estimated maximum cost of \$250,000, (ii) install drainage pipes across William Street, at the estimated maximum cost of \$100,000, (iii) acquire by purchase abandoned railroad property along the Lehigh & Lake Erie Railroad for drainage purposes, at the estimated maximum cost of \$100,000, and (iv) storm drainage improvement for the Fontaine, Mafalda, Nina Drainage Project at the estimated maximum cost of \$280,000; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$730,000; APPROPRIATING said amount therefor, including the appropriation of \$36,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$693,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$693,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes is forty (40) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$36,500 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$693,500 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988
RICHARD M. MOLESKI
Town Clerk
PUBLISH: August 18, 1988

Item No. 4i Bond Resolution - Reconstruction of various buildings within the Town

* See next eleven (11) pages for resolution

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Supervisor Swiatek offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE RECONSTRUCTION OF VARIOUS
BUILDINGS WITHIN THE TOWN, STATING THE TOTAL
ESTIMATED MAXIMUM COST THEREOF IS \$511,500,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$25,575 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$485,925 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF
SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
(i) reconstruct, in part, the Reinstein Library building,
including replacement of the roof and installation of an
emergency lighting system, at the estimated maximum cost of
\$222,500, (ii) reconstruct the Alexander Street School building
(Phase 1), including duct work, lighting, plumbing and
construction of new office space, at the estimated maximum cost
of \$200,000, (iii) reconstruct, in part, the Senior Center,
including installation of new doors and installation of a new
heating system, at the estimated maximum cost of \$36,000, and

(iv) reconstruct, in part, the Town Hall building, including reconstruction of the Council Chambers, at the estimated maximum cost of \$53,000, and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purposes for which said buildings are to be used. The total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$511,500 and said amount is hereby appropriated therefor, including the appropriation of \$25,575 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$485,925 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$485,925, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The existing buildings are of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law,

and the period of probable usefulness of said specific objects or purposes for which said \$485,925 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12.(a)(1) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$25,575 will be provided from moneys now available therefor in the current budget of the Town under the heading "^{Transfer to}Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific objects or purposes herein described.

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

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

appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Supervisor Swiatek offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of various buildings within the Town, stating the total estimated maximum cost thereof is \$511,500, appropriating said amount therefor, including the appropriation of \$25,575 current funds to provide the required down payment, and authorizing the issuance of \$485,925 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to (i) reconstruct, in part, the Reinstein Library building, including replacement of the roof and installation of an emergency lighting system, at the estimated maximum cost of \$222,500, (ii) reconstruct the Alexander Street School building (Phase 1), including duct work, lighting, plumbing and construction of new office space, at the estimated maximum cost of \$200,000, (iii) reconstruct, in part, the Senior Center, including installation of new doors and installation of a new heating system, at the estimated maximum cost of \$36,000, and (iv) reconstruct, in part, the Town Hall building, including reconstruction of the Council Chambers, at the estimated maximum cost of \$53,000 and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said buildings are to be used; and STATING the total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$511,500; APPROPRIATING said amount therefor, including the appropriation of \$25,575 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$485,925 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$485,925 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing buildings are of Class "A" construction and the period of probable usefulness of the specific objects or purposes is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$25,575 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$485,925 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

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

Amy C. Meepers, 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meepers
Sworn to before me this 18
day of August , 19 88
..... Justine D. Dembik
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the reconstruction of various buildings within the Town, stating the total estimated maximum cost thereof is \$511,500, appropriating said amount therefor, including the appropriation of \$25,575 current funds to provide the required down payment, and authorizing the issuance of \$485,925 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town (i) to re construct, in part, the Reinstein Library building, including replacement of the roof and installation of an emergency lighting system, at the estimated maximum cost of \$222,500, (ii) reconstruct the Alexander Street School building (Phase 1), including duct work, lighting, plumbing and construction of new office space, at the estimated maximum cost of \$200,000, (iii) reconstruct, in part, the Senior Center, including installation of new doors and installation of a new heating system, at the estimated maximum cost of \$36,000, and (iv) reconstruct, in part, the Town Hall building, including reconstruction of the Council Chambers, at the estimated maximum cost of \$53,000; and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said buildings are to be used; and **STATING** the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$511,500; **APPROPRIATING** said amount therefor, including the appropriation of \$25,575 current funds to provide the down payment required by the Law, as hereinafter defined; **STATING** the plan of financing includes the expenditure of said current funds, the issuance of \$485,925 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon

all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$485,925 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and **STATING** the existing buildings are of Class "A" construction and the period of probable usefulness of the specific objects or purposes is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$25,575 in the current budget of the Town; and **DIRECTING** the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$485,925 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988
RICHARD M. MOLESKI
Town Clerk
PUBLISH: August 18, 1988

Item No. 4j Bond Resolution - Increase and improvement of Facilities of the
Consolidated Garbage District

* See next fifteen (15) pages for resolution

4

EXTRACT OF MINUTES

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

August 15, 1988

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in said Town, on August 15, 1988, at 7:00 o'clock P.M. (Prevailing Time)

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

* * *

At 7:00 o'clock P.M. (Prevailing Time) the Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, Broadway and Union Road, in said Town at 7:00 o'clock P.M. (Prevailing Time) to consider an increase and improvement of facilities of the Consolidated Garbage District, in the Town of Cheektowaga, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk read, in full, the notice

calling said public hearing and presented affidavits showing that certified copies of said notice had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of the increase and improvement of facilities of said Consolidated Garbage District:

NONE

The following persons appeared in opposition to said increase and improvement of facilities:

NONE

The Town Clerk reported that the following pertinent communications had been received:

NONE

The Town Clerk then read such communications to the meeting.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

On motion of Councilman Solecki, duly seconded by Councilman Kulyk, the following Resolution and Order After Public Hearing was duly declared adopted on the following roll call vote:

AYES:

NOES:

Completed
Recorder
Town of Cheektowaga

Box 480
214

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber 9904 Page 367

of ...
on the ... day of ...
A.D., 1988, at ...
and examined.

David J. Swiatek
CLERK

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 15th day of August, 1988.

PRESENT:

- | | |
|------------------------|------------|
| Hon. Frank E. Swiatek, | Supervisor |
| Thomas M. Johnson, Jr. | Councilman |
| Patricia A. Jaworowicz | Councilman |
| Dennis H. Gabryszak | Councilman |
| Andrew A. Kulyk | Councilman |
| Leo T. Kazukiewicz | Councilman |
| Richard B. Solecki | Councilman |

In the Matter
of the

Increase and Improvement of Facilities of the Consolidated Garbage District, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of the Consolidated Garbage District, in the Town (herein called "District"), has determined that it is necessary to provide for the increase and improvement of facilities of the District, consisting of the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, at a cost not to exceed \$940,000; and

WHEREAS, the Town Board thereafter adopted an order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons

RECEIVED
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CHEEKTOWAGA
TOWN CLERK

93486
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interested in said increase and improvement of facilities on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, Broadway and Union Road, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 15th day of August, 1988 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, Broadway and Union Road, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefor, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$940,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and a careful estimate of the expense for said increase and improvement of the facilities shall be made and with the assistance of the Town Attorney, a proposed contract for the execution of the work shall be prepared and said, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$940,000 serial bonds of the Town, and the cost of said facilities, including both payment of principal of and interest on said bonds and operation and maintenance, shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said facilities on an ad valorem basis at the same time and in the same manner as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: AUGUST 15, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Smith
Supervisor

Desiree H. Lipkowitz
Councilman

Richard B. Fleck
Councilman

Thomas M. Johnson
Councilman

Patricia A. Dammann
Councilman

Andrew A. Kelly
Councilman

Thomas M. Johnson
Councilman

Members of the Town Board of the Town
of Cheektowaga, New York

(SEAL)

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

RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on the 15th day of August, 1988 and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 15th day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

Councilman Solecki offered the following resolution and moved
its adoption:

BOND RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15,
1988, APPROPRIATING \$940,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF
THE CONSOLIDATED GARBAGE DISTRICT, IN
SAID TOWN, AND AUTHORIZING THE ISSUANCE
OF \$940,000 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

Recital

WHEREAS, following the determination that it is necessary to provide for the increase and improvement of facilities of the Consolidated Garbage District (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved;

Now, therefore, be it

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

Section 1. The Town is hereby authorized to increase and improve the facilities of the District by the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$940,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$940,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said facilities on an ad valorem basis at the same time and in the same manner as other Town charges to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$940,000, pursuant to the provisions of the Local Finance Law, constituting

Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose authorized pursuant to Section 1(i) of this resolution and for which \$900,000 of said serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a.28 of the Law, is fifteen (15) years. The period of probable usefulness of the specific object or purpose authorized pursuant to Section 1(ii) of this resolution and for which \$40,000 of said serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d. (3)(i) of the Law.

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

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

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

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Solecki offered the following resolution and moved its adoption:

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

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "CHEEKTOWAGA TIMES" a newspaper published in Cheektowaga, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on AUGUST 15, 1988 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 15th day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

7

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

Amy C Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....
Sworn to before me this 18
day of August , 19 88...
..... Justine D. Dembik

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 15th day of August, 1988, and the validity of the obligations authorized by such resolution may be thereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15, 1988, APPROPRIATING \$940,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE CONSOLIDATED GARBAGE DISTRICT, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$940,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of the Consolidated Garbage District (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved;

Now, therefore, be it

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

Section 1. The Town is hereby authorized to increase and improve the facilities of the District by the acquisition of nine (9) 32 cubic yard garbage packer trucks, at the total estimated maximum cost of \$900,000; and construction of a composting facility, including drainage and other necessary improvements, on the real property situate behind the Sanitation Department, at the estimated maximum cost of \$40,000; including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto

and the financing thereof, is \$940,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$940,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection of special assessments upon the several lots and parcel of land in the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$940,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose authorized pursuant to Section 1(i) of this resolution and for which \$900,000 of said serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a.28 of the Law, is fifteen (15) years. The period of probable usefulness of the specific object or purpose authorized pursuant to Section 1(ii) of this resolution and for which \$40,000 of said serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 6 of the Law, is twenty-five (25) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d.(3) (i) of the Law.

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

Section 4. Each of the bonds author-

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

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

PUBLISH: August 18, 1988

Item No. 4k Bond Resolution - increase and improvement of Facilities of Sanitary
Sewer District No. 5

* See next sixteen (16) pages for resolution

4K

EXTRACT OF MINUTES

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

August 15, 1988

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in said Town, on August 15, 1988, at 7:00 o'clock P.M. (Prevailing Time)

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

*

*

*

At 7:00 o'clock P.M. (Prevailing Time) the Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, Broadway and Union Road, in said Town at 7:00 o'clock P.M. (Prevailing Time) to consider an increase and improvement of facilities of Sanitary Sewer District No. 5, in the Town of Cheektowaga, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk read, in full, the notice

calling said public hearing and presented affidavits showing that certified copies of said notice had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of the increase and improvement of facilities of said Sanitary Sewer District No. 5:

NONE

The following persons appeared in opposition to said increase and improvement of facilities:

NONE

The Town Clerk reported that the following pertinent communications had been received:

NONE

The Town Clerk then read such communications to the meeting.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

On motion of Councilman Johnson, duly seconded by Supervisor Swiatek, the following Resolution and Order After Public Hearing was duly declared adopted on the following roll call vote:

AYES:

NOES:

Original Copy of
Resolution v. District
Town of Cheektowaga

215
STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber 9904 Page 371

of ... day of ...
on the ... day of ...
A.D., 19 ... at ... o'clock ... M
and examined.

David J. Swiatek
CLERK

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 15th day of August, 1988.

33386
F 440

PRESENT

- | | |
|------------------------|------------|
| Hon. Frank E. Swiatek, | Supervisor |
| Thomas M. Johnson, Jr. | Councilman |
| Patricia A. Jaworowicz | Councilman |
| Dennis H. Gabryszak | Councilman |
| Andrew A. Kulyk | Councilman |
| Leo T. Kazukiewicz | Councilman |
| Richard B. Solecki | Councilman |

In the Matter
of the

Increase and Improvement of Facilities of Sanitary Sewer District No. 5, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

RECEIVED FILED
1988 AUG 30 PM 2:40
CHEEKTOWAGA
TOWN CLERK

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of Sanitary Sewer District No. 5, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District consisting of the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv)

the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, at a cost not to exceed \$700,000; and

WHEREAS, the Engineer completed such map and plan and estimate of cost and filed same with the Town Board, the Town Board thereafter adopted an order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, Broadway and Union Road, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 15th day of August, 1988 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, Broadway and Union Road, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefor, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$700,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities and with the assistance of the Town Attorney prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$700,000 serial bonds of the Town, and the cost of said facilities, including both payment of principal of and interest on said bonds and operation and maintenance, shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said facilities so much

upon and from each as shall be in just proportion to the amounts of benefit which the improvement shall confer upon the same;

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: AUGUST 15, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Smith
Supervisor

Dennis H. Labuzak
Councilman

Patricia A. Samorini
Councilman

Thomas M. Linn
Councilman

Art Loe
Councilman

Andrew A. Kelly
Councilman

Richard B. Slick
Councilman

(SEAL)

Members of the Town Board of the Town
of Cheektowaga, New York

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

RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on the 15th day of August, 1988 and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 15th day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

Councilman Johnson offered the following resolution and moved
its adoption:

BOND RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15,
1988, APPROPRIATING \$700,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF
SANITARY SEWER DISTRICT NO. 5, IN SAID
TOWN, AND AUTHORIZING THE ISSUANCE OF
\$700,000 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of Sanitary Sewer District No. 5 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original

furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved; Now, therefore, be it

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

Section 1. The Town is hereby authorized to increase and improve the facilities of the District by the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; all in accordance with the map, plan

and report prepared by Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$700,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this

resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d. (3)(1) of the Law.

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

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

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of

the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said Notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

~~Councilman Johnson~~ offered the following resolution and
moved its adoption:

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

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "CHEEKTOWAGA TIMES" a newspaper published in Cheektowaga, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on AUGUST 15, 1988 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Town this 15th day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

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

Amy C. Meyers....., 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 18 1988.....;
last publication.....AUG 18 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this18.....
day ofAugust....., 1988..
.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 15th day of August, 1988, and the validity of the obligations authorized by such resolution may be thereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 18, 1988

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15, 1988, APPROPRIATING \$700,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF SANITARY SEWER DISTRICT NO. 5, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$700,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of Sanitary Sewer District No. 5 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the (i) reconstruction of the Delavan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment, at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to

storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved; Now, therefore, be it

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

Section 1. The Town is hereby authorized to increase and improve the facilities of the District by the (i) reconstruction of the Delevan pump station, including building reconstruction, reconstruction and replacement of the existing pumps and reconstruction and replacement of the electrical equipment at the estimated maximum cost of \$150,000; (ii) reconstruction of the Harlem pump station, including building reconstruction, reconstruction and replacement of the sewer pump and reconstruction and replacement of the electrical control equipment, at the estimated maximum cost of \$250,000; (iii) reconstruction of three (3) digester tanks located at the sewage treatment plant to convert said tanks to storage and garage facilities, at the estimated maximum cost of \$250,000; and (iv) the acquisition of new television monitoring equipment, at the estimated maximum cost of \$50,000; and including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor; all in accordance with the map, plan and report prepared by Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection of special assessments upon the several lots and parcel of land in the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$700,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d. (3) (1) of the Law.

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

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

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

PUBLISH: August 18, 1988

Item No. 41 Bond Resolution - Increase and Improvement of Facilities of Storm
Sewer District No. 7

* See next fifteen (15) pages for resolution

42

EXTRACT OF MINUTES

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

August 15, 1988

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in said Town, on August 15, 1988, at 7:00 o'clock P.M. (Prevailing Time)

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

*

*

*

At 7:00 o'clock P.M. (Prevailing Time) the Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, Broadway and Union Road, in said Town at 7:00 o'clock P.M. (Prevailing Time) to consider an increase and improvement of facilities of Storm Sewer District No. 7, in the Town of Cheektowaga, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk read, in full, the notice

calling said public hearing and presented affidavits showing that certified copies of said notice had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of the increase and improvement of facilities of said Storm Sewer District No. 7:

None

The following persons appeared in opposition to said increase and improvement of facilities:

None

The Town Clerk reported that the following pertinent communications had been received:

None

The Town Clerk then read such communications to the meeting.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

On motion of Councilman Johnson, duly seconded by Councilman Jaworowicz, the following Resolution and Order After Public Hearing was duly declared adopted on the following roll call vote:

AYES:

NOES:

*Certified
Resolution of
Town of Cheektowaga*

213

B. 480

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

Recorded in Liber *6217* Page *480*
of *1*
on the *15* day of *August*
A.D., 19*88*, at *Cheektowaga* County, N.Y.
and examined.

David J. Swiatek
CLERK

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, in said Town, on the 15th day of August, 1988.

PRESENT:

- | | |
|------------------------|------------|
| Hon. Frank E. Swiatek, | Supervisor |
| Thomas M. Johnson, Jr. | Councilman |
| Patricia A. Jaworowicz | Councilman |
| Dennis H. Gabryszak | Councilman |
| Andrew A. Kulyk | Councilman |
| Leo T. Kazukiewicz | Councilman |
| Richard B. Solecki | Councilman |

In the Matter
of the

Increase and Improvement of Facilities of Storm Sewer District No. 7, in the Town of Cheektowaga, in the County of Erie, New York pursuant to Section 202-b of the Town Law.

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of Storm Sewer District No. 7, in the Town (herein called "District"), has requested Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District consisting of the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin on such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, at a cost not to exceed \$90,000; and

WHEREAS, the Engineer completed such map and plan and estimate of cost and filed same with the Town Board, the Town Board thereafter adopted an order describing in general terms the proposed increase and improvement of the facilities, specifying

RECEIVED
1988 AUG 30 PM 2:40
CHEEKTOWAGA
TOWN CLERK
JUN 17 PM 12:38

*984 F 33486
7-1700-2*

the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, Broadway and Union Road, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 15th day of August, 1988 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, Broadway and Union Road, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefor, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$90,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities and with the assistance of the Town Attorney prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$90,000 serial bonds of the Town, and the cost of said facilities, including both payment of principal of and interest on said bonds and operation and maintenance, shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amounts of benefit which the improvement shall confer upon the same;

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: AUGUST 15, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Sueds
Supervisor

James H. Holbrook
Councilman

Richard B. Sobacki
Councilman

Thomas M. Gorman
Councilman

Patricia A. Jankowski
Councilman

Andrew A. Kelly
Councilman

John W. Gurey
Councilman

(SEAL)

Members of the Town Board of the Town
of Cheektowaga, New York

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

RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on the 15th day of August, 1988 and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 15th day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

Councilman Johnson offered the following resolution and moved
its adoption:

BOND RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15,
1988, APPROPRIATING \$90,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF
STORM SEWER DISTRICT NO. 7, IN SAID TOWN,
AND AUTHORIZING THE ISSUANCE OF \$90,000
SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION,

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of Storm Sewer District No. 7 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin on such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,
IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not

less than two-thirds of all the members of said Board) AS
FOLLOWS:

Section 1. The Town is hereby authorized to increase and improve the facilities of the District by the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin on such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, all in accordance with the map, plan and report prepared by Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$90,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$90,000, pursuant to the provisions of the Local Finance Law, constituting

Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d. (3)(1) of the Law.

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

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

the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Councilman Johnson offered the following resolution and moved its adoption:

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

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "CHEEKTOWAGA TIMES" a newspaper published in Cheektowaga, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on AUGUST 15, 1988 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Town this 15th day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 18.....

day of August....., 19 88...

..... *Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 15th day of August, 1988, and the validity of the obligations authorized by such resolution may be thereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI

Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15, 1988, APPROPRIATING \$90,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF STORM SEWER DISTRICT NO. 7, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$90,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of Storm Sewer District No. 7 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of detention basin on such real property provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved; Now, therefore, be it

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

Section 1. The Town is hereby authorized to increase and improve the facilities of the District by the acquisition of approximately 2 1/2 acres of real property situate on the north side of Airport Drive and construction of a detention basin such real property to provide storm water detention capacity, including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, all in accordance with the map, plan and report prepared by Chester L. Bryan, the Town Engineer, an engineer duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$90,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection of special assessments upon the several lots and parcel of land in the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$90,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d. (3)(1) of the Law.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds, shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as

to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of the bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

PUBLISH: August 18, 1988

Item No. 4m Bond Resolution - authorize purchase of computer hardware for a town-wide computer system

* See next eleven (11) pages for resolution

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EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Frank E. Swiatek, Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Supervisor Swiatek offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988,
AUTHORIZING THE PURCHASE OF COMPUTER HARDWARE
FOR A TOWN-WIDE COMPUTER SYSTEM, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$100,000,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$5,000 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$95,000 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF
SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase computer hardware for a Town-wide computer system. The
estimated maximum cost of said specific object or purpose,
including preliminary costs and costs incidental thereto and the
financing thereof, is \$100,000 and said amount is hereby
appropriated therefor, including the appropriation of current
funds in the amount of \$5,000 to provide the down payment
required by the Law, as hereinafter defined. The plan of
financing includes the expenditure of said current funds and the
issuance of \$95,000 serial bonds of the Town to finance the

balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$95,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$95,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 81.(a) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$5,000 will be provided from moneys now available therefor in the current budget of the Town under the heading "^{Transfer to}Capital." The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said

notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution is subject to permissive referendum.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

Supervisor Swiatek offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the purchase of computer hardware for a Town-wide computer system, stating the estimated maximum cost thereof is \$100,000, appropriating said amount therefor, including the appropriation of \$5,000 current funds to provide the required down payment, and authorizing the issuance of \$95,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase computer hardware for a Town-wide computer system. The estimated maximum cost of said specific object or purpose, STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000; APPROPRIATING said amount therefor, including the appropriation of current funds in the amount of \$5,000 to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$95,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of serial bonds of the Town in the principal amount of \$95,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said \$95,000 serial bonds is to be issued is ten (10) years current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$5,000 in the current budget of the Town; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$95,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

Richard M. Moleski
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this fifteenth day of August, 1988.

(SEAL)

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18
day of August , 19 88
..... *Justine D. Dembik*

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 15, 1988, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cheektowaga, New York, adopted August 15, 1988, authorizing the purchase of computer hardware for a Town-wide computer system, stating the total estimated maximum cost thereof is \$100,000, appropriating said amount therefor, including the appropriation of \$5,000 current funds to provide the required down payment, and authorizing the issuance of \$95,000 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase computer hardware for a Town-wide computer system. The estimated maximum cost of said specific object or purpose, **STATING** the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000; **APPROPRIATING** said amount therefor, including the appropriation of \$5,000 current funds to provide the down payment required by the Law, as hereinafter defined; **STATING** the plan of financing includes the expenditure of said current funds, the issuance of \$95,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$95,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific object or purpose for which said \$95,000 serial bonds is to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$5,000 in the current budget of the Town; and **DIRECTING** the Supervisor to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$95,000 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 15, 1988

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 18, 1988

Item No. 4n Bond Resolution - Authorize various Capital Projects in and for the
Town

* See next eight (8) pages

17

EXTRACT OF MINUTES

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

August 15, 1988

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on August 15, 1988 at 7:00 o'clock p.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek,
Supervisor; and

Councilmen: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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Supervisor Swiatek offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED AUGUST 15, 1988, AUTHORIZING
VARIOUS CAPITAL PROJECTS, IN AND FOR THE TOWN,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$191,500, APPROPRIATING SAID AMOUNT THEREFOR,
AND AUTHORIZING THE ISSUANCE OF \$191,500
SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
(i) purchase, audio-visual equipment for use by the Recreation
Department, at the estimated maximum cost of \$7,500, and, a video
cam-corder for video taping properties for future study, at the
estimated maximum cost of \$2,000, (ii) construct a new water
service with a fire hydrant to serve the Central Garage and the
Sanitation Garage buildings, at the estimated maximum cost of
\$9,000, (iii) prepare, pursuant to Section 99-d of the General
Municipal Law, surveys, preliminary plans and detailed plans,
specifications and estimates necessary for planning the following
capital improvements which it is contemplated might be undertaken
in the future: drainage improvements to the U-Crest Drainage
Ditch, improvements to Stiglmeier Park, and construction of a new

library in the southern portion of the Town, at the estimated maximum costs of \$100,000, \$20,000, and \$20,000, respectively, (iv) prepare a comprehensive master plan regarding Town zoning ordinances and mapping plans, at the estimated maximum cost of \$8,000, and (v) purchase software for a Town-wide computer system, at the estimated maximum cost of \$25,000. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$191,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$191,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$191,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$9,500 serial bonds authorized pursuant to subdivision (i) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 32. of the Law, is five (5) years; the period of probable usefulness of said specific object or purpose for which said \$9,000 serial

library in the southern portion of the Town, at the estimated maximum costs of \$100,000, \$20,000, and \$20,000, respectively, (iv) prepare a comprehensive master plan regarding Town zoning ordinances and mapping plans, at the estimated maximum cost of \$8,000, and (v) purchase software for a Town-wide computer system, at the estimated maximum cost of \$25,000. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$191,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$191,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$191,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$9,500 serial bonds authorized pursuant to subdivision (i) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 32. of the Law, is five (5) years; the period of probable usefulness of said specific object or purpose for which said \$9,000 serial

bonds authorized pursuant to subdivision (ii) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 35. of the Law, is five (5) years; the period of probable usefulness of said specific objects or purposes for which said \$140,000 serial bonds authorized pursuant to subdivision (iii) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 62. of the Law, is five (5) years; the period of probable usefulness of said specific object or purpose for which said \$8,000 serial bonds authorized pursuant to subdivision (iv) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 64. of the Law, is five (5) years; and the period of probable usefulness of said specific object or purpose for which said \$25,000 serial bonds authorized pursuant to subdivision (v) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 81.(b) of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law..

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity

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

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

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on August 15, 1988, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 15th day of August, 1988.

Richard M. Moleski
Town Clerk

(SEAL)

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this18.....
day ofAugust....., 19..88..
.....Justine D. Dembik.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 15th day of August, 1988, and the validity of the obligations authorized by such resolution may be thereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI

Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 15, 1988, AUTHORIZING VARIOUS CAPITAL PROJECTS, IN AND FOR THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$191,500, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$191,500 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town is hereby authorized to (i) purchase, audio-visual equipment for use by the Recreation Department, at the estimated maximum cost of \$7,500, and, a video camcorder for video taping properties for future study, at the estimated maximum cost of \$2,000, (ii) construct a new water service with a fire hydrant to serve the Central Garage and the Sanitation Garage buildings, at the estimated maximum cost of \$9,000, (iii) prepare, pursuant to Section 99-d of the General Municipal Law, surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning the following capital improvements which it is contemplated might be undertaken in the future: drainage improvements to the U-Crest Drainage Ditch, improvements to Stiglmeier Park, and construction of a new library in the southern portion of the Town, at the estimated maximum costs of \$100,000, \$20,000, and \$20,000, respectively, (iv) prepare a comprehensive master plan regarding Town zoning ordinances and mapping plans, at the estimated maximum cost of \$8,000, and (v) purchase software for a Town-wide computer system, at the estimated cost of \$25,000. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$191,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$191,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$191,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$9,500 serial bonds authorized to subdivision (i) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 32. of the Law, is five (5) years; the period of probable usefulness of said specific object or purpose of which said \$9,000 serial bonds authorized pursuant to subdivision (ii) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 35. of the Law, is five years; the period of probable usefulness of said specific objects or purposes for which said \$140,000 serial bonds authorized pursuant to subdivision (iii) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 62. of the Law, is five (5) years; the period of probable usefulness of said specific object or purpose for which said \$8,000 serial bonds authorized pursuant to subdivision (iv) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 64. of the Law, is five (5) years; and the period of probable usefulness of said specific object or purpose for which said \$25,000 serial bonds authorized pursuant to subdivision (v) of Section 1. of this resolution are to be issued, within the limitations of Section 11.00 a. 81 (b) of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions

of Section 107.00 d. (5) of the Law.

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

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

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

PUBLISH: August 18, 1988

Item No. 5a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Office of the Building and Plumbing Inspector and the Planning Board have recommended that the landscaping section of the Zoning Ordinance of the Town of Cheektowaga be amended to require landscaping strips on all existing commercial property within the Town of Cheektowaga, and interior landscaping on certain large commercial parking lots within the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that in accordance with the provisions of Section 264 of the Town Law of the State of New York, a public hearing be held on the 6th day of September, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Zoning Ordinance of the Town of Cheektowaga, New York" shall be amended and changed as provided in the attached Notice of Hearing; and BE IT FURTHER

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

* * * * *

NOTICE OF HEARING ON PROPOSAL
TO AMEND ZONING ORDINANCE

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of August, 1988, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 6th day of September, 1988 at 7:00 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the Zoning Ordinance shall be amended to require the installation of landscaping strips on all existing commercial property within the Town of Cheektowaga and interior landscaping on certain large commercial parking lots within the Town of Cheektowaga. A copy of the proposed amendments to the Zoning Ordinance is on file in the Town Clerk's Office where the same may be examined during regular business hours.

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

Dated: August 15, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 18 1988.....;
last publication..... AUG 18 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 18.....

day of August....., 19 88..

..... *Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO AMEND ZON-
ING ORDINANCE**

NOTICE IS HEREBY GIVEN
THAT in pursuance of a Resolution of
the Town Board of the Town of Cheek-
towaga, which was duly passed on the
15th day of August, 1988, and in ac-
cordance with the provisions of the
Town Law of the State of New York, a
Public Hearing will be held on the 6th
day of September, 1988 at 7:00 P.M. at
the Cheektowaga Town Hall, corner of
Broadway and Union Road, Cheek-
towaga, New York, at which hearing
all parties in interest and citizens shall
have an opportunity to be heard, and at
which time and place it shall be deter-
mined by the Town Board whether the
Zoning Ordinance shall be amended to
require the installation of landscaping
strips on all existing commercial prop-
erty within the Town of Cheektowaga
and interior landscaping on certain
large commercial parking lots within
the Town of Cheektowaga. A copy of
the proposed amendments to the Zon-
ing Ordinance is on file in the Town
Clerk's Office where the same may be
examined during regular business
hours.

**BY THE ORDER OF THE
TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, ERIE
COUNTY, NEW YORK**
Dated: August 15, 1988
RICHARD M. MOLESKI
Town Clerk
PUBLISH: August 18, 1988

Item No. 5b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Office of the Supervisor and the Office of the Building and Plumbing Inspector have recommended that a Local Law For Commercial Property Maintenance be adopted, NOW, THEREFORE, BE IT

RESOLVED that in accordance with the provisions of the Municipal Home Rule Law of the State of New York, a public hearing be held on the 6th day of September, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Local Law No. 2 of the Year 1988 entitled "A Local Law For Commercial Property Maintenance" shall be adopted; and BE IT FURTHER

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

* * * * *

NOTICE OF HEARING ON PROPOSAL

TO ADOPT

A LOCAL LAW FOR COMMERCIAL PROPERTY MAINTENANCE

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of August, 1988, and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, a Public Hearing will be held on the 6th day of September, 1988 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the Town of Cheektowaga shall adopt Local Law No. 2 of the Year 1988 entitled "A Local Law For Commercial Property Maintenance". A copy of which is on file in the Town Clerk's Office where the same may be examined during regular business hours.

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

Dated: August 15, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak,
Kazukiewicz and Solecki
NAYES: Councilman Kulyk
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 18 1988.....;
last publication..... AUG 18 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18.....
day of August....., 1988..
..... *Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO ADOPT A
LOCAL LAW FOR COMMERCIAL
PROPERTY MAINTENANCE**

NOTICE IS HEREBY GIVEN THAT in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of August, 1988, and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, a Public Hearing will be held on the 6th day of September, 1988 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the Town of Cheektowaga shall adopt Local Law No. 2 of the Year 1988 entitled "A Local Law For Commercial Property Maintenance". A copy of which is on file in the Town Clerk's Office where the same may be examined during regular business hours.

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

**Dated: August 15, 1988
RICHARD M. MOLESKI
Town Clerk**

PUBLISH: August 18, 1988

Item No. 6a Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, Bertram O. Klein has petitioned for the rezoning from R-Residential District to C-Retail Business District of property owned by him and located at 4785 Union Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petitioned was held before this Town Board on the 18th day of July, 1988 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, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, BE IT RESOLVED that the application of Bertram O. Klein for the rezoning from R-Residential District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

All that Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farm Lot 14, Township 11, Range 7 of the Holland Land Company's survey, and according to map of Nob Hill sub-map cover 1628, is known and distinguished as sub-division lot No. 250; and further distinguished as follows:

Beginning at a point on the southerly line of Cleveland Drive, One hundred twenty and fifty-three one hundredths (120.53) feet east of the easterly line of Union Road; thence southerly a distance of One hundred twenty-eight and seven hundredths (128.07) feet to a point distant One hundred twenty (120) feet from the easterly line of Union Road; thence easterly a distance of forty-one and forty-eight one hundredths (41.48) feet; thence northerly a distance of one hundred twenty (120) feet more or less to the southerly line of Cleveland Drive; thence westerly and along the southerly line of Cleveland Drive fifty-nine and ninety-four one hundredths (59.94) feet to the point or place of beginning.

Subject to easements granted to the New York Telephone Company, New York State Electric and Gas Corporation, recorded in the office of the Clerk of the County of Erie on the 10th day of April, 1941, in Liber 3090 of Deeds at page 536.

ALSO, subject to easement granted to Niagara, Lockport and Ontario Power Company, recorded in the office of the Clerk of the County of Erie on the 4th day of September, 1942, in Liber 3295 of Deeds at page 556.

ALSO, subject to easements and rights of way owned by the County of Erie, and excepting that part of the above described premises conveyed to or dedicated by the County of Erie for highway and drainage purposes as appears by the records of the Clerk of the County of Erie.

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18
day of August , 1988..
..... *Justine D. Dembik*

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**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 15th day of August, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: 0 Motion by Councilman Kulyk and Seconded by Supervisor Swiatek

WHEREAS, Bertram O. Klein has petitioned for the rezoning from R-Residential District to C-Retail Business District of property owned by him and located at 4785 Union 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 18th day of July, 1988 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, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Review Committee,

NOW, THEREFORE, BE IT RESOLVED that that the application of Bertram O. Klein for the rezoning from R-Residential District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved and, BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

All that Tract or Parcel of Land, situate in the Town of Cheektowaga,

County of Erie and State of New York being part of Farm Lot 14, Township 11, Range 7 of the Holland Land Company's survey, and according to map of Nob Hill sub-map cover 1628, is known and distinguished as subdivision lot No. 250; and further distinguished as follows:

Beginning at a point on the southerly line of Cleveland Drive, One Hundred twenty and fifty-three one hundredths (120.53) feet east of the easterly line of Union Road; thence southerly a distance of One hundred twenty-eight and seven hundredths (128.07) feet to a point distant One

hundred twenty (120) feet from the easterly line of Union Road; thence easterly a distance of forty-one and forty-eight one hundredths (41.48) feet; thence northerly a distance of one hundred twenty (120) feet more or less to the southerly line of Cleveland Drive; thence westerly and along the southerly line of Cleveland Drive fifty-nine and ninety-four one hundredths (59.94) feet to the point or place of beginning.

Subject to easements granted to the New York Telephone Company, New York State Electric and Gas Corporation, recorded in the office of the Clerk of the County of Erie on the 10th day of April, 1941, in Liber 3090 of Deeds at page 536.

ALSO, subject to easement granted to Niagara, Lockport and Ontario Power Company, recorded in the office of the Clerk of the County of Erie on the 4th day of September, 1942, in Liber 3295 of Deeds at page 556.

ALSO, subject to easements and rights of way owned by the County of Erie, and excepting that part of the above described premises conveyed to or dedicated by the county of Erie for highway and drainage purposes as appears by the records of the Clerk of the County of Erie.

**STATE OF NEW YORK,
COUNTY OF ERIE**

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 15, 1988, 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 6a, 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 15th day of August, 1988.

**RICHARD M. MOLESKI
TOWN CLERK**

PUBLISH: August 18, 1988

Item No. 6b Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, Krehbiel Associates, Inc., on behalf of Mobil Oil Corporation, applied for a Special Permit for a gasoline service station and automobile laundry facility on property located at 3105 William Street, 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 18th day of July, 1988 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, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit, 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 3105 William Street, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided:

1. a six foot high stockade fence be installed along the west property line.
2. a trench drain be installed at the western-most William Street driveway

and,

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

NOW, THEREFORE, ~~BE~~ IT RESOLVED that said Special Permit be and hereby is granted subject to the following conditions:

1. compliance with conditions recommended by the Environmental Advisory Committee.
2. compliance with plot plan drawing no. 608H1RPP1 dated 9/14/88.
3. automobile laundry shall not operate between the hours of 11:00 P.M. and 7:00 A.M.

* See next page for legal notice

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

WILLIAM STREET AND UNION ROAD
TOWN OF CHEEKTOWAGA

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 64, Township 10, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point located on the westerly highway boundary of Union Road (66.0 ft. wide) said point being 161.32 feet southerly from the southerly highway boundary of William Street (66.0 ft. wide) as measured along the westerly highway boundary of Union Road; thence northerly along the westerly highway boundary of Union Road as widened by the New York State Department of Public Works and as shown on Map 75 Parcel 85 a distance of 88.26 feet; thence northwesterly at an interior angle of $143^{\circ} 36' 20''$ a distance of 47.75 feet; thence westerly at an interior angle of $104^{\circ} 27' 34''$ a distance of 40.93 feet; thence northwesterly at an exterior angle of $89^{\circ} 56' 57''$ a distance of 12.03 feet; thence westerly at an interior angle of $89^{\circ} 58' 42''$ and along the southerly highway boundary of William Street (66.0 ft. wide) a distance of 149.95 feet; thence southerly at right angles a distance of 245.0 feet; thence northeasterly at an interior angle of $85^{\circ} 56' 32''$ a distance of 115.09 feet; thence northerly along the westerly highway boundary of Union Road (66.0 ft. wide) a distance of 112± feet to the place or point of beginning.

Subject to any easements, right-of-ways, agreements, etc. of record.

April 22, 1986

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18
day of August , 19 88
..... *Justine D. Dembik*
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**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 15th day of August, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: 0 Motion by Councilman Kulyk and Seconded by Councilman Johnson

WHEREAS, Krehbiel Associates, Inc., on behalf of Mobil Oil Corporation, applied for a Special Permit for a gasoline service station and automobile laundry facility on property located at 3105 William Street, 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 18th day of July, 1988 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, 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 3105 William Street, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided:

1. a six foot high stockade fence be installed along the west property line.
2. a trench drain be installed at the western-most William Street driveway.

and
WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee.

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

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is granted subject to the following conditions:

1. compliance with conditions recommended by the Environmental Advisory Committee.
2. compliance with plot plan drawing no. 608H1RPP1 dated 9/14/88.
3. automobile laundry shall not operate between the hours of 11:00 P.M. and 7:00 A.M.

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

**WILLIAM STREET AND UNION
ROAD**

TOWN OF CHEEKTOWAGA
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 64, Township 10, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point located on the westerly highway boundary of Union Road (66.0 ft. wide) said point being 161.32 feet southerly from the

southerly highway boundary of William Street (66.0 ft. wide) as measured along the westerly highway boundary of Union Road; thence northerly along the westerly highway boundary of Union Road as widened by the New York State Department of Public Works and as shown on Map 75 Parcel 85 a distance of 88.26 feet; thence northwesterly at an interior angle of 143 degrees 36' 20" a distance of 47.75 feet; thence westerly at an interior angle of 104 degrees 27' 34" a distance of 40.93 feet; thence northwesterly at an exterior angle of 89 degrees 56' 57" a distance of 12.03 feet; thence westerly at an interior angle of 89 degrees 58' 42" and along the southerly highway boundary of William Street (66.0 ft. wide) a distance of 149.95 feet; thence southerly at right angles a distance of 245.0 feet; thence northeasterly at an interior angle of 85 degrees 56' 32" a distance of 115.09 feet; thence northerly along the westerly highway boundary of Union Road (66.0 ft. wide) a distance of 112+ feet to the place or point of beginning;

Subject to any easements, right-of-ways, agreements, etc. of record.

April 22, 1986

**STATE OF NEW YORK,
COUNTY OF ERIE**

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 15, 1988, 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 6b, 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 15th day of August, 1988.

**RICHARD M. MOLESKI
TOWN CLERK**

PUBLISH: August 18, 1988

JUSTICE D. DEMB
NEW YORK STATE OF NEW YORK
COUNTY OF ERIE
MY COMMISSION EXPIRES FEB. 18, 1991

Item No. 6c Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Johnstone Reid, architect for Ralph Fudoli, applied for a Special Permit for a mini plaza with gasoline sales on property located at 4980 Transit Road, 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 18th day of July, 1988 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,

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 4980 Transit Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment on the condition that a drainage plan acceptable to the Town Engineer is submitted, and

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

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

* See next page for legal description

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

LEGAL DESCRIPTION Transit and Madeira Drive

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 45 Township 10 Range 7 of the Buffalo Creek Reservation bounded and described as follows: beginning at the intersection of the southerly line of Madeira Drive with the westerly line of Transit Road; thence westerly along the southerly line of Madeira Drive, Two Hundred (200') feet; thence southerly parallel with the westerly line of Transit Road, Two Hundred (200') feet to a point; thence easterly parallel with the southerly line of Madeira Drive, Two Hundred (200') feet to the westerly line of Transit Road; thence northerly along the westerly line of Transit Road, Two Hundred (200') feet to the point or place of beginning.

Excepting therefrom that part conveyed to the Town of Cheektowaga by Deed recorded in the Erie County Clerk's Office in Liber 9112 of Deeds at Page 677.

Size of Lot 200 (Madeira) x 139.78 (Transit Road)

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... 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. 18 1988*.....;
last publication.....*AUG. 18 1988*.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this*18*.....
day of*August*....., 19*88*.....
.....*Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
EXTRACTS FORM 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 15th day of August, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek

Councilman Thomas M. Johnson, Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

ABSENT: 0

Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Johnstone Reid, architect for Ralph Fudoli, applied for a Special Permit for a mini plaza with gasoline sales on property located at 4980 Transit Road, 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 18th day of July, 1988 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, 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 4980 Transit Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment on the condition that a drainage plan acceptable to the Town Engineer is submitted, and,

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

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

Upon roll call...

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting AYE

AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

LEGAL DESCRIPTION

Transit and Madeira Drive

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 45 Township 10 Range 7 of the Buffalo Creek Reservation bounded and described as follows: beginning at the intersection of the southerly line of Madeira Drive with the westerly line of Transit Road; thence westerly along the southerly line of Madeira Drive, Two Hundred (200') feet; thence southerly parallel with the westerly line of Transit Road, Two Hundred (200') feet to a point; thence easterly parallel with the southerly line of Madeira Drive, Two Hundred (200') feet to the westerly line of Transit Road; thence northerly along the westerly line of Transit Road, Two Hundred (200') feet to the point of place of beginning.

Excepting therefrom that part conveyed to the Town of Cheektowaga by Deed recorded in the Erie County Clerk's Office in Liber 9112 of Deeds at Page 677.

Size of Lot 200 (Madeira) x 139.78 (Transit Road)

**STATE OF NEW YORK,
COUNTY OF ERIE**

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 15, 1988, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6c, 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 15th day of August, 1988.

**RICHARD M. MOLESKI
TOWN CLERK**

PUBLISH: August 18, 1988

Item No. 7a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, it is in order that bids be advertised for the construction of a comfort station and shelter at Firemen's Park under Phase I, and

WHEREAS, funds are available for the construction of said comfort station and shelter in account #01-7110-0004-4536, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the construction of a comfort station and shelter, said notice to be published in the CHEEKTOWAGA TIMES, and ~~BE~~ IT FURTHER

RESOLVED that sealed bids will be received by the Town of Cheektowaga on August 29, 1988 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

* * * * *

CHEEKTOWAGA FIREMEN'S PARK
COMFORT STATION AND SHELTER
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 29th day of August 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 a comfort station and shelter in Cheektowaga Firemen's Park, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by the Cheektowaga Engineering Department.

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. Copies are available in the Town Clerk's Office, Broadway and Union Road, Cheektowaga, New York 14227 and 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 Comfort Station and Shelter in Firemen's Park. ."

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. 7a 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 210 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
Town of Cheektowaga

DATED: August 15, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18.....
day of August....., 1988.....
..... *Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
CHEEKTOWAGA
FIREMEN'S PARK
COMFORT STATION AND
SHELTER
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 29th day of August, 1988 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 a comfort station and shelter in Cheektowaga Firemen's Park, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by the Cheektowaga Engineering Department.

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. Copies are available in the Town Clerk's Office, Broadway and Union Road, Cheektowaga, New York 14227 and may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two (2) \$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 Comfort Station and Shelter in Firemen's Park".

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, nonbidders will be refunded one-half the deposit. Materials 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.

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 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.

RICHARD M. MOLESKI

Town Clerk

DATED: August 15, 1988

PUBLISH: August 18, 1988

Item No. 7b Motion by Councilman Solecki, 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, shoes and nose pieces, grader blades and receiver grates, frames and boxes, manhole covers and frames, curb boxes and sanitary sewer covers 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, N.Y. 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 2, 1988 at the Cheektowaga Town Hall Council Chambers.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals 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, at a public bid opening September 2, 1988 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, N.Y. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR SNOW PLOW BLADES, RECEIVER GRATES, ETC."

Non-collision forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

Dated: August 15, 1988

Published: August 18, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 18 1988;
last publication..... AUG 18 1988;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 18.....

day of August....., 19 88.....

..... Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals 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, at a public bid opening September 2, 1988 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked 'BID FOR SNOW PLOW BLADES, RECEIVER GRATES, ETC.'

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bid submitted.

RICHARD M. MOLESKI

Town Clerk

DATED: August 15, 1988

PUBLISH: August 18, 1988

Item No. 8a Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, John W. Lock, owner of John W. Lock Heating & Air Conditioning, Inc. at 3120 Genesee Street, Cheektowaga, New York has requested a storm sewer easement across Town property in order to properly drain his property, and

WHEREAS, a storm sewer pipeline already exists over such Town property, and

WHEREAS, this Town Board is agreeable to granting Mr. Lock a storm sewer easement over Town property, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached easement to John W. Lock, and BE IT FURTHER

RESOLVED that, pursuant to Section 64 (2) of the Town Law, the granting of such easement is subject to a permissive referendum, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution subject to Permissive Referendum in the Cheektowaga Times.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on August 15, 1988 adopted a resolution granting a storm sewer easement over Town property generally described as follows:

Premises situate in the Town of Cheektowaga, County of Erie and State of New York and being part of Farm Lot 17, Township 11, Range 7 of the Holland Land Company's Survey and being part of sublots 28 and 29 as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 1266, being 25 feet in width, as more fully described in Survey Job No. NC 26067 made by Nussbaumer & Clarke, Inc., Engineers dated July 22, 1988.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

Dated: August 15, 1988

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

RICHARD M. MOLESKI
Town Clerk

* * * * *

* See next three (3) pages for easement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 18 1988 ;
last publication..... AUG 18 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 18
day of August , 19 88
..... Justine D. Dembik
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19 90

**LEGAL NOTICE
NOTICE OF ADOPTION OF
RESOLUTION
SUBJECT TO PERMISSIVE
REFERENDUM**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on August 15, 1988 adopted a resolution granting a storm sewer easement over Town property generally described as follows:

Premises situate in the Town of Cheektowaga, County of Erie and State of New York and being part of Farm Lot 17, Township 11, Range 7 of the Holland Land Company's Survey and being part of sublots 28 and 29 as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 1266, being 25 feet in width, as more fully described in Survey Job No. NC26067 made by Nussbaumer & Clarke, Inc., Engineers, dated July 11, 1988.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

Dated: August 15, 1988

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 18, 1988

E A S E M E N T

MADE this 16 day of Sept., Nineteen Hundred and Eighty-Eight.

BY AND BETWEEN, TOWN OF CHEEKTOWAGA, a municipal corporation organized under the laws of the State of New York, having its principal office in the Town Hall, party of the first part, and

JOHN W. LOCK, residing at 98 Melrose, Town of Grand Island, County of Erie and State of New York, party of the second part.

W I T N E S S E T H

IN CONSIDERATION of ONE DOLLAR AND NO MORE (\$1.00 and no/more) DOLLARS, the receipt of which is hereby acknowledged, the party of the first part hereby grants and conveys to JOHN W. LOCK, residing at 98 Melrose, Grand Island, New York, his successors and assigns, the right, privilege and authority to build, construct, reconstruct, locate and relocate, operate, repair and maintain a storm sewer, together with all necessary lines and appurtenances thereto, in, under and through the following described premises situate in the TOWN OF CHEEKTOWAGA, County of Erie and State of New York and being part of Farm Lot 17, Township 11, Range 7 of the Holland Land Company's Survey and being part of sublots 28 and 29 as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 1266, being twenty-five (25) feet in width as more fully described in the survey attached hereto and made a part hereof being Job No. NC26067 made by Nussbaumer & Clarke, Inc., Engineers dated July 11, 1988.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

TOWN OF CHEEKTOWAGA

By Paul E. Smith

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

On this 16th day of Sept., Nineteen Hundred and Eighty-Eight,
before me personally came Frank E. Swiatek to me personally
known who, being by me duly sworn did depose and say that he resides
at 22 Ely Drive, Cheektowaga, NY
that he is the Supervisor of the TOWN OF CHEEKTOWAGA,
the corporation described in and which executed the above Instrument;
that he knows the seal of said corporation; that the seal affixed to
said Instrument is such corporate seal; that it was so affixed by order
of the Town Board of said corporation, and that he
signed his/~~her~~ name thereto by like order.

Kevin G. Schenk
NOTARY PUBLIC

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 19 89

E A S E M E N T

BY AND BETWEEN:

TOWN OF CHEEKTOWAGA

-to-

JOHN W. LOCK

=====

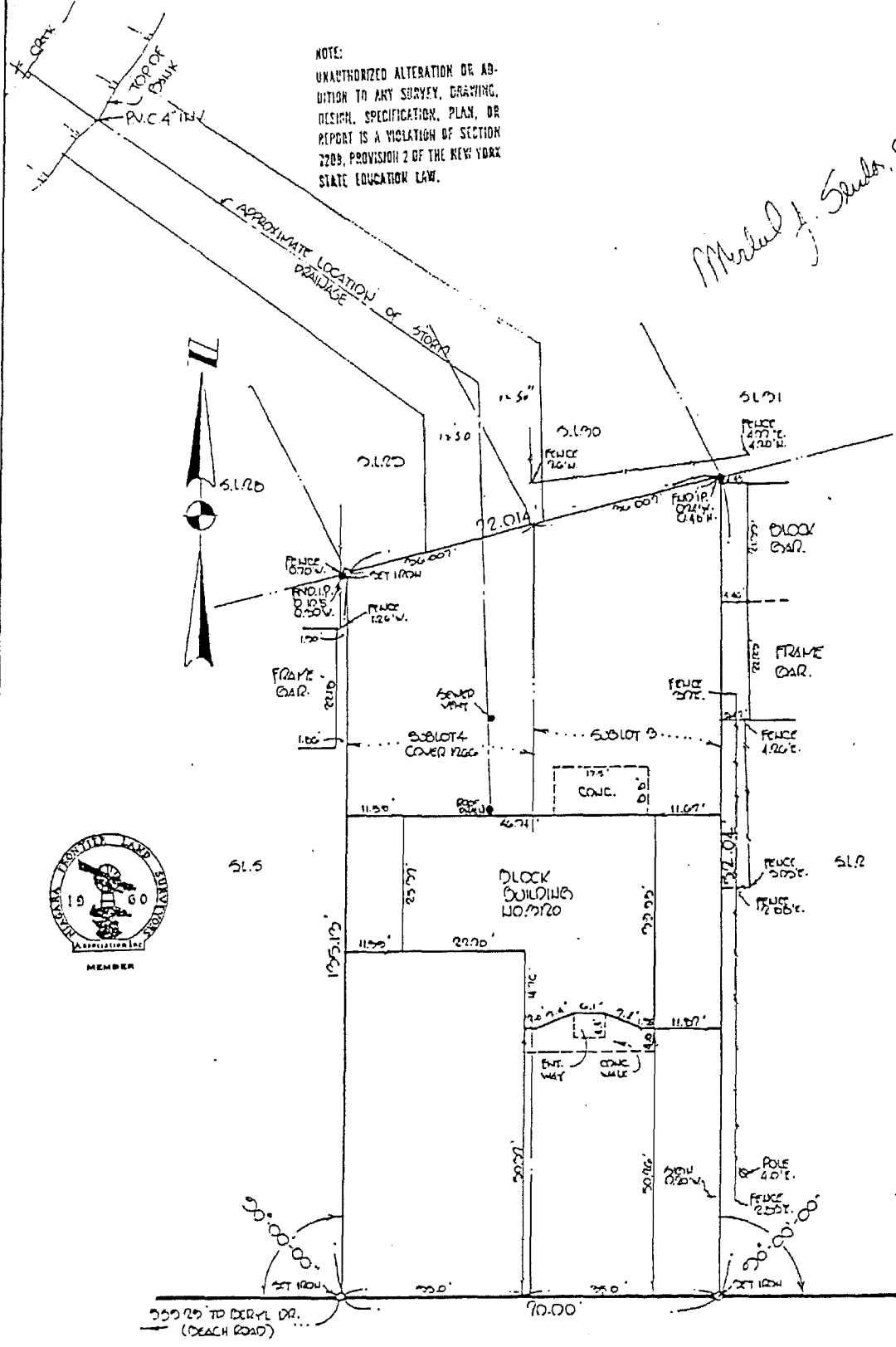
DATED: September 16 , 1988

=====

COX BARRELL
Attorneys-at-law
6 Fountain Plaza
Buffalo, New York 14202

NOTE:
UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 2209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

Marked J. Sando, P.E.



GENESEE (66'0" WIDE) STREET

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

PART OF LOT 26, TOWNSHIP 11, RANGE 7.			
LOCATION TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK			SCALE: 1 IN. = 20 FT
NUSSBAUMER & CLARKE INC. ENGINEERS AND SURVEYORS 310 DELAWARE AVENUE BUFFALO, N.Y.	KIND	DATE	FOR
	SURVEY	7-11-88	MID JOHN LOCK
DRAWING NO.			1604-5

Item No. 8b Motion by Councilman Johnson, Seconded by Councilman Solecki

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 and Urban Development has encouraged the use of Community Development Block Grant funds for local economic development activities, and

WHEREAS, use of Community Development Block Grant funds have been approved by HUD for economic development purposes in the Town's 1981 through 1988 Program Year applications, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an Agreement with the Cheektowaga Economic Development Corporation for the purpose of allocating Community Development Block Grant funds to that agency for the 1986-88 program years totaling \$646,004.30 (1986 - \$45,004.30; 1987 - \$351,000; 1988 - \$250,000).

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8c Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Lancaster has requested the Town of Cheektowaga to renew its agreement with it for the proper disposal of dead dogs for the Town of Lancaster, and

WHEREAS, a new agreement between the Towns of Lancaster and Cheektowaga has been prepared and is acceptable as to form by the Town Attorney's Office, and

WHEREAS, this Town Board, in an expression of inter-municipal cooperation, is willing to enter into this new 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 agreement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

DOG DISPOSAL AGREEMENT

Made this 2nd day of August, 1988, 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, State of New York, party of the second part.

RECEIVED
1988 AUG 17 PM 3:16
CHEEKTOWAGA
TOWN CLERK

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.

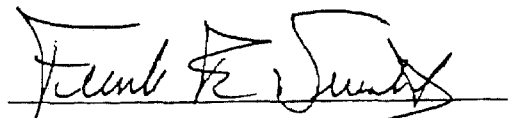
FIFTH: Said dead dogs shall be delivered to the Cheektowaga Dog Pound by agents or employees of the party of the second part at a time mutually agreeable to both parties.

SIXTH: This Agreement shall commence on the 1st day of September 1988 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

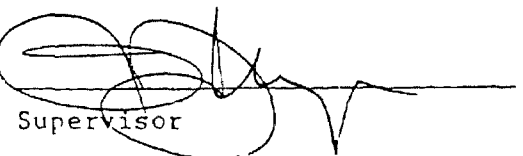
By


Supervisor

(L.S.)

TOWN OF LANCASTER

By


Supervisor

(L.S.)

STATE OF NEW YORK:
COUNTY OF ERIE : SS:
TOWN OF LANCASTER:

On this 2nd day of August, 1988, 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.

David J. Brown

DAVID J. BROWN
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 9/30/88

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

On this 17th day of August, 1988, before me personally came FRANK E. SWIATEK, 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 Resolution 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.

Valerie A. Meyers

VALERIE A. MEYERS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES APRIL 11, 1990

Item No. 8d Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Department of Housing and Urban Development has approved the Town's 1988-89 Program Year Application for Community Development Block Grant Funds in the amount of \$640,000, and

WHEREAS, the Supervisor must execute said Grant Agreement for the receipt of said funds, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute said Grant Agreement with the Department of Housing and Urban Development for the receipt of \$640,000 in Community Development Block funds for the 1988-89 Program Year.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9a Award of bid for U-Crest Ditch South Channel
This item was withdrawn.

Item No. 9b Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the construction of the Seminole/Nokomis Drainage Project, Contract "B", which bids were duly received and opened on August 12, 1988, 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 Kelly Blacktop, 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 Seminole/Nokomis Drainage Project, Contract "B", be and hereby is awarded to Kelly Blacktop, Inc., 1426 Borden Road, Depew, New York 14043 for their bid price of \$170,235.00, said being the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreement with Kelly Blacktop, Inc., and BE IT FURTHER

RESOLVED that expenditures against this project shall be charged to Capital Fund Account #05-86225132-0315.

* See next page for tabulation

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

August 12, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Gentlemen:

Bids were received and opened by the Town Clerk on August 12, 1988 at 11:00 AM for the Seminole/Nokomis Drainage Project, Contract "B". Eleven (11) bids were received as follows:

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Kelly Blacktop, Inc.	\$170,235.00
Frontier Asphalt	\$172,495.00
M. Falgiano Construction	\$186,681.00
E & R General Construction	\$189,390.00
Freeway Contracting Company	\$198,794.00
Chestnut Ridge Contracting	\$198,860.00
John R. Schuler	\$207,780.00
Firstrhyme Construction	\$209,960.00
Kandey Company, Inc.	\$211,220.00
Mar-Wal Construction Company, Inc.	\$223,580.00
Amadori Construction Company	\$241,837.00
Engineer's Estimate	\$158,850.00

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 Kelly Blacktop, Inc. for submission of the lowest price of \$170,235 meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

William R. Pugh, P.E.
Assistant Town Engineer

WRP:dms

Item No. 10 Motion by Councilman Kulyk, 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:

EFFECTIVE

SEWER MAINTENANCE DEPARTMENT

Raymond Nowak

9/6/88

SANITATION DEPARTMENT

Jeffrey Jozwiak

Immediately

Eric Ozolins

Immediately

Andrew Balash

Immediately

Ronald Wasmer

8/10/88

Christopher Ozolins

8/18/88

Jeffrey Choinski

8/19/88

Wayne Bernhard

8/26/88

POLICE DEPARTMENT

Lisa Dynowski

8/12/88

FACILITIES DEPARTMENT

Shamon Harrell

Immediately

Michael Mendel

8/8/88

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 11a Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, Article 58-A of the Arts and Cultural Affairs Law of the State of New York, entitled "Local Government Records Law", became effective as of August 5, 1988, and

WHEREAS, such Local Government Records Law is designated to ensure that public records are systematically managed to provide ready access to vital information and to promote the efficient and economical operation of government, and

WHEREAS, pursuant to such law, each local government shall have a records management officer to coordinate the development of and oversee a program for the orderly and efficient management of records, NOW, THEREFORE, BE IT

RESOLVED that Richard M. Moleski, Town Clerk of the Town of Cheektowaga, be and hereby is designated as the Records Management Officer of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward the attached Records Management Officer Notification Form to the Local Government Records Bureau.

* See next page for Records Management Officer Notification Form

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

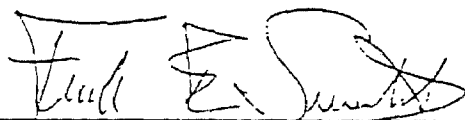
ABSENT: 0

LOCAL GOVERNMENT RECORDS BUREAU
STATE ARCHIVES AND RECORDS ADMINISTRATION
Office of Cultural Education
New York State Education Department
10A63 Cultural Education Center
Albany, New York 12230

RECORDS MANAGEMENT OFFICER NOTIFICATION FORM

The following officer of the local government listed below has been designated Records Management Officer (RMO), in accordance with Section 57.19 of the Arts and Cultural Affairs Law.

Name of RMO	<u>Richard M. Moleski</u>
Position Title	<u>Town Clerk</u>
Local Government	<u>Town of Cheektowaga</u>
Address	<u>Town Hall</u>
	<u>Broadway and Union Road</u>
	<u>Cheektowaga, New York 14227</u>
Telephone Number	<u>(716) 686-3434</u>

x 
Chairperson of Governing Body
8/18/88
Date

DETACH AND RETURN
THIS FORM TO:

Local Government Records Bureau
State Archives and Records Administration
Room 10A63, Cultural Education Center
Albany, New York 12230
518-474-6926

Item No. 11b Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga currently lacks a Minority Business Enterprise Officer ("MBEO"), and

WHEREAS, such MBEO is required, pursuant to certain State and Federal grants, to administer the Town's Minority Business Enterprise and Women's Business Enterprise ("MBE/WBE") Program, NOW, THEREFORE, BE IT

RESOLVED that Frank E. Swiatek, Supervisor of the Town of Cheektowaga, be and hereby is designated as the MBEO for the Town of Cheektowaga, and, as such MBEO, he shall be responsible for monitoring the implementation of the MBE/WBE Program for the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11c Apointment of Coordinator of Employee Relations
This item was withdrawn.

Item No. 11d Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga has previously created a corporation known as the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development within the Town, and

WHEREAS, by resolution dated February 7, 1983, this Town Board approved the proposed by-laws of the Cheektowaga Economic Development Corporation, and

WHEREAS, the aforesaid By-Laws provide that the directors of the Cheektowaga Economic Development Corporation shall be appointed by resoluition of the Town Board of the Town of Cheektowaga, and

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation have recommended the appointment of individuals as hereinafter listed to the Board of Directors of said Corporation, and

WHEREAS, this Town Board is in agreement with the recommendations of the Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED that Joann Shaw Smith is hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation for a term effective until the subsequent reappointment for said Board position on or about April 1, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 11e Motion by Councilman Solecki, Seconded by Councilman Gabryszak

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

Item No. 11e cont'd

RESOLVED that Bradley Colgrove, 144 Kilbourne, 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 effective immediately.

* Frank Barrett - Long Term Absence due to Workmen's compensation injury.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, a study was made of the Town's (police) computer system in the winter of 1988 by Counterpoint Institute, which recommended that an additional person be made knowledgeable of the programming and retrieval of information as a back-up and support of the present programmer and operator, and

WHEREAS, Sargeant Eugene Leahy is assisting the present programmer and operator, but needs additional training in the computer field, NOW, THEREFORE, BE IT

RESOLVED that Sergeant Eugene Leahy be authorized to attend a course of "Introduction to Computers and Information Systems", conducted by the State University of New York at Buffalo, and BE IT FURTHER

RESOLVED that the fee for said course being \$148.00 shall be appropriated from the police budget code 4321 - computer expense.

Item No. 12b Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, a S.W.A.T. Tactical Seminar will be conducted by the Rochester Police Department from September 26th-30th, 1988 in Rochester, New York, and

WHEREAS, the Assistant Chief of Police has requested permission for4 Detective Floyd Lukowski and Officer Henry Selbert to attend this course, and

WHEREAS, such course will bring together a wide range of discussions and demonstrations of tactical police functions in a comprehensive seminar, NOW, THEREFORE, BE IT

RESOLVED that Detective Floyd Lukowski and Officer Henry Selbert be and hereby are authorized to attend the aforementioned S.W.A.T. Tactical Seminar from September 26th-30th, 1988, and BE IT FURTHER

RESOLVED that the Town shall pay the cost for tuition, meals and tolls for such officers to attend said course for a total not to exceed \$430.00, and BE IT FURTHER

RESOLVED that Detective Lukowski and officer Selbert be and hereby are authorized to use a Town police vehicle to commute to and from such seminar between September 26th and 30th, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, James Budowski, Automobile Mechanic in the Central Garage, has exhausted all of his accrued sick leave, personal leave and vacation time, and

WHEREAS, James Budowski has requested extended sick leave payments for a period of fifteen days, and

WHEREAS, Section 8.02(c) of the collective bargaining agreement between the Town and the Town Employee's Association states that the Town Board may authorize extended sick leave payments for a maximum period of fifteen days provided such payments are repaid to the Town upon the employee's return to service, NOW, THEREFORE, BE IT

RESOLVED that James Budowski be and hereby is granted extended sick leave payments for a period of fifteen days, and BE IT FURTHER

RESOLVED that such sick leave payments shall be repaid to the Town by Mr. Budowski upon his return to service.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Town desires the services of a Planning Consultant in relation to its 1988 Community Development Block Grant Program, and

WHEREAS, a Request for a Proposal was issued and proposals solicited from various planning consultant firms, and

WHEREAS, the Town has received a proposal from the firm of Stuart Alexander and Associates for said Planning Services for a fee of \$31,000.00, and

WHEREAS, the Director of Community Development has reviewed said proposal and recommends its acceptance by the Town Board, NOW, THEREFORE, BE IT

RESOLVED that the firm of Stuart Alexander & Associates, 1152 Main Street, Buffalo, New York 14209, be and hereby is retained to provide said professional planning and technical services, as per the attached proposal, for the Town's 1988 Community Development Block Grant Program for a fee not to exceed \$31,000.00, said fee to be paid with CDBG funds and BE IT FURTHER

RESOLVED that the Supervisor is hereby directed to sign all necessary contract documents on behalf of the Town with Stuart Alexander and Associates in relation to said professional services, and BE IT FURTHER

RESOLVED that said contract with Stuart Alexander & Associates is contingent upon review and approval of said contract by the Department of Housing & Urban Development.

* See next pages for proposal

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

STUART ALEXANDER AND ASSOCIATES

PROPOSAL FOR PROFESSIONAL TECHNICAL PLANNING SERVICES TOWN OF CHEEKTOWAGA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

I ECONOMIC DEVELOPMENT

- 1.0 The consultant shall be available to private developer(s) for purposes of providing technical assistance in the design, layout, impact assessment, financial analyses and programming for existing and proposed economic development projects. Inclusive of said services shall be a continuation of assistance for loan applications currently under consideration by the CEDC. Further, the consultant shall provide technical assistance to the C.D. Director in the design, review and modification of documents, forms, promotional materials utilized for economic development purposes by the Town's Economic Development Corporation.
- 1.1 The following categories are representative of the level and type of assistance to be provided:
 - . Assist the C.D. Director and the Cheektowaga Economic Development Corporation in oversight of the Economic Development Program.
 - . Review application requests for economic development loan funds pursuant to project feasibility, economic benefit to the Town, consistency with the goals and objectives of the Corporation, and compliance with Federal regulations.
 - . Prepare strategies and implementation programs on behalf of the Town to assist private developers implement economic development projects.
 - . Identify the appropriateness and applicability of alternate financing mechanisms to encourage development such as special purpose bonding, Federal, State and County funding assistance.
 - . Prepare project(s) scenario(s) for targeted private developers who may utilize alternate financing mechanism, indicate level and type of development necessary to retire debt and achieve project feasibility.
 - . Specifically provide technical assistance (planning, programming and design) to facilitate development of the 55 acre site south of Walden Avenue.

STUART ALEXANDER AND ASSOCIATES

- . Specifically inventory and catalogue available vacant buildings in the Town which are 25,000 sq.ft. or greater and represent potential facilities for new or expanding industrial or manufacturing facility.
- . Update existing land inventory of parcels suitable for economic development.

II HOUSING REHABILITATION AND NEW CONSTRUCTION

- 2.0 The vitality of Cheektowaga is in large part a function of the quality of the Housing Stock.

The ongoing rental housing rehabilitation program will warrant assistance and technical services in the following areas:

- . Monitoring and modify programs for implementing the Rental Rehabilitation Program pursuant to N.Y.S. guidelines and Federal requirements.
 - . Review of unit selections, owner selections, repayment schedules and unit feasibility analysis.
 - . Assistance in the inspection of said units to verify rehabilitation costs via the preparation of preliminary and final work write-ups and cost estimates.
 - . Analysis of rehabilitation costs as compared to net income and subsequent debt service for retirement of conventional rehabilitation loan.
 - . Analysis of debt service on public dollars and preparation of reasonable repayment schedules on government sponsored portions of the rehabilitation cost.
 - . Assistance in the preparation of required documents for reporting the progress and status of the R.R.P.
- 2.1 Pursuant to the existing housing loan program, the consultant shall be available to the C.D. Director to provide technical assistance, support consultation in reviewing all aspects of program design and operation and modifying and amending same to insure the continuation of an effective and successful program.

STUART ALEXANDER AND ASSOCIATES

2.2 New housing for elderly residents of the Town of Cheektowaga is an important and growing need. The consultant shall work with the C.D. Director to encourage the creation of new housing opportunities for the elderly in Cheektowaga. Said assistance will include but shall not be limited to the following:

- . Identification of existing properties suitable for re-use as elderly housing.
- . Identification of existing vacant sites suitable for new housing.
- . Identification of costs and financial mechanisms by which the Town may encourage new housing development in partnership with private developers and/or not-for-profit entities.

III TECHNICAL PLANNING AND DESIGN ASSISTANCE AND GRANT SOLICITATIONS

3.0 During the course of the year certain projects and opportunities arise in the Town that warrant special consideration specifically as they impact on the economic, social and physical well-being of the community. The consultant shall work with the State and County to ensure maximum benefit accrues to the Town.

3.1 The consultant shall work with the C.D. Director to identify available Federal, State or other funding sources that will benefit the Town by maintaining and improving the social, physical and economic quality of life in Cheektowaga. Said services may include but not be limited to the preparation of documentation to justify the need for assistance, the preparation of grant applications and subsequent assistance required by the grantee to the grantor.

STUART ALEXANDER AND ASSOCIATES

3.2 The consultant shall assist the C.D. Director in the preparation of necessary and appropriate documents for presentation to the U.S. Department of Housing and Urban Development pursuant to the CDBG program. Said assistance to include but not be limited to the following: CDBG application (housing assistance plan, needs assessments, community analysis, etc.), performance reports, and other required documents. Further, the consultant shall provide assistance to the C.D. Director in the research, and interpretation of federal regulations and requirements, and in the evaluation of CDBG funded projects against said regulations and requirements.

IV ATTENDANCE AT PUBLIC AND PRIVATE MEETINGS PURSUANT TO CARRYING-OUT THE PROPOSED SERVICES.

The consultant shall be available to meet with private developers, Town officials, community associations, and formal committees and corporations to facilitate implementation of projects and programs in which the Town may participate. Said meetings will be at the convenience of the agencies or groups and it is understood they may require evenings participation.

STUART ALEXANDER AND ASSOCIATES

FEE SCHEDULE

I Economic Development

Technical Assistance pursuant to work items 1.0 and 1.1 as identified in the Scope of Services. \$14,250

II Housing

Technical Assistance pursuant to work items:

2.0 Rental Rehabilitation Program	\$7,750
2.1 Owner Resident Rehabilitation Program	\$2,800
2.2 New Housing Opportunities	\$1,800

III Technical Assistance pursuant to work items:

3.0 Planning Assistance	\$1,300
3.1 New Funding Sources	\$1,300
3.2 CDBG Grant Assistance	\$1,800

IV Attendance at meetings as required pursuant to work items in the Scope of Services and implementation of work tasks.

Personnel time will be billed at an hourly rate of \$35.00 inclusive of travel, overhead and other miscellaneous expenses. Fees noted above are inclusive of meetings and technical assistance pursuant to items I, II, III and IV.

Item No. 15 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is sponsoring a residential camping experience for developmentally disabled youngsters at the conclusion of its summer day camp, and

WHEREAS, this will necessitate multiple accounting transfers and payroll adjustment, NOW, THEREFORE, BE IT

RESOLVED that the following transactions take place:

That the following individuals be transferred from an hourly rate to a salary classification (7310.1802) for the week of August 21st through August 27th and revert to their hourly status in the Adapted Recreation Program (7310.1803) effective August 28th:

<u>Name/Address</u>	<u>Title</u>	<u>Rate</u>
Deborah Ann Wojtkowski Depew, New York 14043	Program Coordinator	\$295.00
Christine Phillips Cheektowaga, New York 14225	Assistant Program	\$225.00
Paulette Mecca Cheektowaga, New York 14225	Activity Director	\$200.00
David Imiola Cheektowaga, New York 14227	Activity Director	\$200.00
Bonnie Lynch Depew, New York 14043	Activity Director	\$200.00
Cindy Principato Cheektowaga, New York 14225	Counselor I	\$185.00
Beth Ann Schaller Depew, New York 14043	Counselor I	\$185.00
Ann Priester Cheektowaga, New York 14225	Counselor I	\$185.00
Louanne Balus Cheektowaga, New York 14225	Counselor I	\$185.00
Paul Marchewka Cheektowaga, New York 14227	Counselor II	\$175.00
Carl Vella Depew, New York 14043	Counselor II	\$175.00
Christy Male Cheektowaga, New York 14225	Counselor II	\$175.00
Denise Bogdan Cheektowaga, New York 14206	Counselor II	\$175.00

Item No. 15 cont'd

That the following individuals be transferred from an hourly rate to a salary classification for the week of August 21st through August 27th and be terminated at the conclusion of residential camp effective August 28th:

Kim Giczkowski	Counselor II	\$175.00
Depew, New York 14043		
Cynthia Boje	Counselor II	\$175.00
Cheektowaga, New York 14211		
Robin Straker	Counselor II	\$175.00
Cheektowaga, New York 14225		
Mary Sieroslowski	Counselor II	\$175.00
Depew, New York 14043		

That the following individuals be terminated at the conclusion of the day camp effective August 15th:

Mark Jagord	Activity Director	\$200.00
Cheektowaga, New York 14227		
Dawn McFadden	Senior Counselor	\$4.00 (per hour)
Cheektowaga, New York 14206		
Sue Klein	Senior Counselor	\$4.00
Cheektowaga, New York 14215		
Sharon Pikul	Counselor III	\$3.65
Cheektowaga, New York 14206		
Allayne Yeostros	Counselor III	\$3.65
Cheektowaga, New York 14225		
Kerry Rustowicz	Counselor II	\$3.50
Cheektowaga, New York 14225		
Jennifer Kusmierczyk	Counselor II	\$3.50
Cheektowaga, New York 14227		
Doreen Skowron	Counselor II	\$3.50
Cheektowaga, New York 14212		
Sean Bulger	Counselor II	\$3.50
Cheektowaga, New York 14215		
Marie Juergens	Counselor I	\$3.35
Cheektowaga, New York 14225		

Item No. 15 cont'd

That the following individuals be transferred from the Developmentally Disabled Day Camp (7310.1802) to the Adapted Recreation (7310.1803) effective August 28th:

Barbara Zielinski	Senior Counselor	\$4.00 (per hour)
Cheektowaga, New York 14225		
Lynda Diemert	Counselor II	\$3.50
Cheektowaga, New York 14225		
Kathy Miller	Counselor I	\$3.35
Cheektowaga, New York 14227		

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16 Adoption of 5-year Capital Plan
This item was withdrawn.

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

WHEREAS, the traffic signal at Kensington Avenue and Kenview Road is presently on flashing mode as per the request of the Cheektowaga Traffic Safety Commission for the purpose of conducting a study on the need for a fully-operational signal at this location, and

WHEREAS, since such signal was placed on flashing mode, residents in the area and pedestrians have expressed their desire to have such signal returned to normal operation, and

WHEREAS, the Traffic Unit of the Police Department has been and will continue to conduct a traffic study at this intersection, NOW, THEREFORE, BE IT

WHEREAS, this Board feels that, until the traffic study of the Police Department is completed, the traffic signal at this location should be returned to full operation, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby directs the Chief of Police to make arrangements to have the traffic signal at Kensington Avenue and Kenview Road returned to full operation, and BE IT FURTHER

RESOLVED that this Town Board hereby also authorizes the Chief of Police to have any necessary repairs made to such traffic signal in order to bring it up to full operation; with moneys for such repairs to be appropriated from the Police Department signal upgrade account.

* * * * *

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN SOLECKI TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the amended resolution is as follows:

Item No. 17 cont'd

Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the traffic signal at Kensington Avenue and Kenview Road is presently on flashing mode as per the request of the Cheektowaga Traffic Safety Commission for the purpose of conducting a study on the need for a fully-operational signal at this location, and

WHEREAS, since such signal was placed on flashing mode, residents in the area and pedestrians have expressed their desire to have such signal returned to normal operation, and

WHEREAS, the Traffic Unit of the Police Department has been and will continue to conduct a traffic study at this intersection, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby directs the Chief of Police to make arrangements to have the traffic signal at Kensington Avenue and Kenview Road returned to full operation, and BE IT FURTHER

RESOLVED that this Town Board hereby also authorizes the Chief of Police to have any necessary repairs made to such traffic signal in order to bring it up to full operation; with moneys for such repairs to be appropriated from the Police Department signal upgrade account.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc., as part of the acceptance of Edgeport Subdivision and as a prerequisite to the construction of any buildings in such subdivision, has submitted to the Town for its acceptance a warranty deed for the following highway:

BERT ROAD

and

WHEREAS, the Town Superintendent of Highways in the attached letter has recommended that such deed be accepted by the Town, and

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc. has also submitted sanitary sewer, storm sewer and electrical conductor easements to the Town, as requested by the Town Engineer, and

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc. has also submitted a maintenance bond for Bert Road and certified checks to guarantee street lighting for this area of Town and fencing along the east property line of the Edgeport Subdivision, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned deed, easements, maintenace bond and certified checks be and hereby are accepted by this Town Board contingent upon the approval of the form thereof by the Town Attorney, and BE IT FURTHER

RESOLVED that, after approval of these documents by the Town Attorney, the Town Attorney be and hereby is directed to file the deed and easements in the Erie County Clerk's Office.

* See next page for letter

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MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN SOLECKI to table the above resolution.

Item No. 19 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated November 26, 1987, the bid for the purchase of two 3/4-ton Pick-Up Trucks for use by the Sewer Department was awarded to Maier-Schule GMC for a bid price of \$22,244.00 less trade-in allowance for two Pick-up Trucks for \$3,200.00, for a total net bid price of \$19,044.00, and

WHEREAS, delivery of these vehicles has not yet been made and the Town has not paid for same, and

WHEREAS, the Director of the Youth Bureau and the Director of the Facilities Department have both expressed a desire to obtain one of the Pick-up Trucks intended to be traded in for each of their respective departments, and

WHEREAS, Maier-Schule GMC has agreed to allow the Town to retain the two Pick-up Trucks intended to be traded in provided the Town agrees to increase the purchase price to negate the trade-in value of such vehicles, thereby resulting in a net total bid price of \$22,244.00, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned November 16, 1987 Town Board resolution be and hereby is amended to delete the trade-in allowance for the two Pick-Up Trucks used by the Sewer Department, thereby increasing the total bid price to \$22,244.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on occasion, a judge will render a decision convicting an individual of a crime and sentence such individual to community service work, and

WHEREAS, Client Specific Planning Services is one of approximately eight defender-based, client advocacy services who intervene after conviction of an individual and prior to sentencing to recommend to the judge that an individual perform community service work as an alternative to incarceration, and

WHEREAS, Client Specific Planning Services has intervened on behalf of Gregory Breton and has asked the Town to allow Mr. Breton to perform community service work for the Town at no cost to the Town, and

WHEREAS, Mr. Breton owns and operates a cemetery service business and his expertise in maintaining and landscaping cemeteries would be beneficial to the Town in maintaining the War of 1812 Cemetery and soon-to-be-acquired Bennett Cemetery, and

WHEREAS, the Director of the Facilities Department has agreed to accept Mr. Breton's community service to be applied to the Bennett Cemetery Restoration, War of 1812 maintenance, custodial duties, carpentry, equipment maintenance, etc., NOW, THEREFORE, BE IT

RESOLVED that this Town board hereby expresses its desire and intent to accept community service work to be performed by Gregory Breton, 1187 Burrough Road, Cowlesville, New York 14037 should Supreme Court Justice Frederick Marshall so authorize such community service work.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 2319 Genesee Street, Cheektowaga, New York (former Nemmer Furniture building), SBL# 101.28-11-25, and according to the Assessor's Office is owned by the County of Erie, 95 Franklin Street, 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

WHEREAS, the County of Erie, Department of Law, has advised the Town to perform the work needed and treat the cost as a charge back to the County on the tax rolls, NOW, THEREFORE, BE IT

RESOLVED that the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be charged back to the County of Erie on the tax rolls.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22a Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, Cheektowaga Central High School desires to have a Homecoming Parade on Friday, October 14, 1988 starting at 6:30 P.M., and

WHEREAS, the Homecoming Parade route will be as follows: Beginning at the Key Industry parking lot on the north side of South Creek Drive; thence proceeding westbound on South Creek Drive to Nantucket Drive; thence westbound on Zoerb Avenue to Union Road; thence westbound across Union Road at the traffic signal to the Cheektowaga Central High School parking lot and track field, and

WHEREAS, Cheektowaga Central High School has requested permission from this Town Board to have its Homecoming Parade and desires a Police escort therefor, and

WHEREAS, this Town Board desires to approve the Homecoming Parade for Cheektowaga Central High School, NOW, THEREFORE, BE IT

RESOLVED that Cheektowaga Central 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 High School for its Homecoming Pep-Rally.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22b Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has received notification of an unsafe abandoned structure at 2319 Genesee Street, Cheektowaga, New York (SBL# 101.28-11-25), that is unsecured, open to unauthorized entry and otherwise a danger to the safety of others, and, according to the Assessor's records, is owned by the County of Erie, 95 Franklin Street, Buffalo, New York 14202, and

WHEREAS, these conditions require that immediately steps be taken to board over and secure all openings in this structure and to remove other existing safety hazards on the property to protect the health and safety of others, and

WHEREAS, the County of Erie, Department of Law, has advised the Town to perform the necessary work and treat the cost as a charge back to the County on the tax rolls, NOW, THEREFORE, BE IT

RESOLVED that all openings in this structure be boarded over and secured and other dangerous conditions be removed, and all costs incurred be charged back to the County of Erie on the tax rolls.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22c Motion by Councilman Solecki, Seconded by Councilman Gabryszak

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 engineering work, including a \$200,000.00 aid to municipalities grant in contract then, 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 within 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 \$8,982.30 for services for the period 5/1/88 through 7/9/88, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22d Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, on July 1, 1977 the State of New York (the "State") and the Town of Cheektowaga (the "Town") entered into an agreement whereby the Town agreed to provide ordinary maintenance of the Scajaquada Creek and Tributaries Flood Protection Project, (the "Agreement"), and

WHEREAS, the Pyramid Company of Buffalo ("Pyramid"), in conjunction with its regional shopping center project known as the Walden Galleria is constructing three (3) stormwater detention basins which are designed to work in concert with the Flood Protection Project at a cost of over \$2.3 million, and

WHEREAS, the State and the Town are desirous of amending the Agreement such that the Town agrees to maintain the Basins according to the terms and conditions of the Agreement, and

WHEREAS, on June 13, 1988, the Town agreed with Pyramid to maintain Stormwater Detention Basin Nos. 1, 2 and 3 at Pyramid's sole cost and expense pursuant to License and Maintenance Agreements Nos. 1 and 2 representing the same work contemplated under the amendment to the Agreement, and

WHEREAS, there is a public benefit of flood prevention to be derived by the Town through the maintenance of the basins, and

WHEREAS, the Town and Pyramid are desirous of amending License and Maintenance Agreement No. 2 to provide for an irrevocable license running to the Town to enter onto and maintain Detention Basin No. 3 in the event Pyramid abandons the Walden Galleria Project, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Amendment No. 1 to the Agreement, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Amendment No. 1 to the License and Maintenance Agreement No. 2.

* See next three (3) pages for Amendment

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

30

AMENDMENT TO LICENSE AND MAINTENANCE AGREEMENT NO. 2

This sets forth an Amendment to License and Maintenance Agreement No. 2, dated August 16, 1988, by and between Pyramid Company of Buffalo, as Licensors, and the Town of Cheektowaga, New York, as Licensee.

WHEREAS, Licensors and Licensee are parties to a License and Maintenance Agreement No. 2, dated June 13, 1988; and,

WHEREAS, the License and Maintenance Agreement No. 2 provides in paragraph 3 that the "Period of this License" shall terminate when "the Walden Galleria project has either been abandoned by the Licensors, or so modified such that Basin #3 is no longer needed for floodwater storage capacity and the Bank Stabilization is no longer necessary, whichever occurs earlier;" and,

WHEREAS, the parties wish to modify their rights and duties under the License and Maintenance Agreement No. 2 to provide for a continuation of the License in the event that the Walden Galleria project is abandoned by Licensors.


NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, Licensors and Licensee agree that notwithstanding any provision in the License and Maintenance Agreement No. 2, the Period of the License shall continue until the Walden Galleria project is so

RECEIVED
1988 AUG 17 PM 3:17
CHEEKTOWAGA
TOWN CLERK

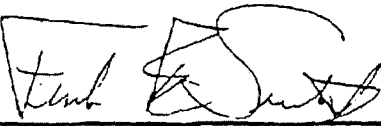
modified that Detention Basin No. 3 is no longer required for floodwater storage capacity, as determined by the New York State Department of Environmental Conservation. In determining whether Detention Basin No. 3 is required for floodwater storage capacity, the floodwater storage capacity of Detention Basin No. 1 and Detention Basin No. 2 shall be fully utilized and resorted to first to provide for floodwater storage.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper, duly authorized representatives.

PYRAMID COMPANY OF BUFFALO

By: 
Kenneth D. Cannon
a general partner

TOWN OF CHEEKTOWAGA

By: 
Frank E. Swiatek
Town Supervisor

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

On the 16th day of August, 1988, before me personally came KENNETH D. CANNON, ESQ., to me known, who being by me duly sworn, did depose and say that he is a general partner in the firm of PYRAMID COMPANY OF BUFFALO, that he had the authority to sign this instrument and that he did duly acknowledge to me that he executed the same as the act and deed of PYRAMID COMPANY OF BUFFALO for the uses and purposes mentioned therein.

Patrick D. Hennigan

Notary Public in County of Erie, N.Y.
My Commission expires 6/20/90

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

On this 15th day of August, 1988, before me personally came FRANK E. SWIATEK, to me known, who, being by me duly sworn, did depose and say that he resides in Town of Cheektowaga, New York; that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in and which executed the within instrument; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this instrument is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.

James J. Kirisits
Notary Public

JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 88

Motion by Councilman Solecki, Seconded by Councilman Gabryszak
to dispense with the reading of the figures in Item No. 23.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and
made a part hereof:

GENERAL FUND

FROM:	1356.1053	(Assessment Review Board Account)	\$ 2,100.00
	1356.4001	(Office Supplies-Bd. of Assessment Rev.)	225.00
	1356.4511	(Transcript Services-Bd. of Assess. Rev.)	1,350.00
	1220.4011	(Printed Forms-Supervisor's Office)	1,000.00
	1910.4711	(Contingency)	16,581.37
TO:	1355.1391	(Part-time Clerical-Bd. of Assess. Rev.)	3,675.00
	1220.4001	(Office Supplies-Supervisor's Office)	1,000.00
	1440.4594	(P.I.P. Consultants)	16,581.37

SPECIAL DISTRICT FUND

FROM:	8160.4469	(Disposal Expense - Sanitation)	\$ 6,000.00
	8160.4469	(Disposal Expense - Sanitation)	2,000.00
TO:	8160.4211	(Electric-Sanitation)	6,000.00
	8160.4221	(Gas-Sanitation)	2,000.00

CAPITAL FUND

FROM:	5031.0000	(Interfund Transfer In)	\$ 21,200.00
	5031.0000	(Interfund Transfer In)	143,182.00
TO:	8709.8120.0220	(Arch. Eng. Basic Fees)	21,200.00
	9709.8120.1100	(Construction)	143,182.00

SPECIAL DISTRICT FUND

FROM:	599.0000	(Appropriated Fund Balance)	\$164,382.00
TO:	8147.9950	(Transfer to Capital Fund)	164,382.00

* * * * *

Motion by Supervisor Swiatek, Seconded by Councilman Johnson
to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the amended resolution is as follows:

* * * * *

Item No. 23 cont'd

Motion by Supervisor Swiatek, seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	1356.1053 (Assessment Review Board Account)	\$ 2,100.00
	1356.4001 (Office Supplies-Bd. of Assessment Rev.)	225.00
	1356.4511 (Transcript Services-Bd. of Assess. Rev.)	1,350.00
	1220.4011 (Printed Forms-Supervisor's Office)	1,000.00
	1910.4711 (Contingency)	16,581.37
	599 (Appropriated Fund Balance)	217,475.00
	1910.4711 (Contingency)	217,475.00
TO:	1355.1391 (Part-time Clerical-Bd. of Assess. Rev.)	3,675.00
	1220.4001 (Office Supplies-Supervisor's Office)	1,000.00
	1440.4594 (P.I.P. Consultants)	16,581.37
	1910.4711 (Contingency)	217,475.00
	9950.08.0000 (Transfer to Capital-Bonded Projects)	217,475.00

SPECIAL DISTRICT FUND

FROM:	8160.4469 (Disposal Expense - Sanitation)	\$ 6,000.00
	8160.4469 (Disposal Expense - Sanitation)	2,000.00
TO:	8160.4211 (Electric-Sanitation)	6,000.00
	8160.4221 (Gas-Sanitation)	2,000.00

CAPITAL FUND

FROM:	5031.0000 (Interfund Transfer In)	\$ 21,200.00
	5031.0000 (Interfund Transfer In)	143,182.00
TO:	8709.8120.0220 (Arch. Eng. Basic Fees)	21,200.00
	9709.8120.1100 (Construction)	143,182.00

SPECIAL DISTRICT FUND

FROM:	599.0000 (Appropriated Fund Balance)	\$164,382.00
TO:	8147.9950 (Transfer to Capital Fund)	164,382.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 24 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to August 15, 1988 are hereby approved and made a part hereof:

Item No. 24 cont'd

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$1,620,083.71
HIGHWAY FUND	296,274.77
CAPITAL FUND	1,171,896.45
TRUST & AGENCY FUND	430,015.54
HUD FUND	7,405.01
PART TOWN FUND	28,904.59
HUD RENTAL REHAB. FUND	23,576.75
RISK RETENTION FUND	31,405.87
HUD REHABILITATION FUND	12,023.10
SPECIAL DISTRICT FUND	2,285,282.07
	<u>\$5,906,867.86</u>

MOTION BY COUNCILMAN GABRYSAK, SECONDED BY COUNCILMAN JOHNSON
to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the amended resolution is as follows:

Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to
the Town of Cheektowaga prior to August 15, 1988 are hereby approved and made a part
hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$1,620,733.71
HIGHWAY FUND	296,274.77
CAPITAL FUND	1,171,896.45
TRUST & AGENCY FUND	430,015.54
HUD FUND	7,405.01
PART TOWN FUND	28,904.59
HUD RENTAL REHAB. FUND	23,576.75
RISK RETENTION FUND	31,405.87
HUD REHABILITATION FUND	12,023.10
SPECIAL DISTRICT FUND	2,285,282.07
	<u>\$5,907,517.86</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. FROM THE TABLE

Item No. 25 Motion by Councilman Kulyk, seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga makes annual grant allocations to
various cultural and public benefit organizations to fund various activities and
presentations which are open to the public, and

Item No. 25 cont'd

WHEREAS, there currently is no mechanism in place to monitor whether Town grants are being used for their intended purposes, and

WHEREAS, other municipalities and counties in New York State have guidelines which cultural and public agencies adhere to in order to obtain public funds, NOW, THEREFORE, BE IT

RESOLVED that the guidelines be established for any involved agencies requesting funds beginning in the 1989 fiscal year; and BE IT FURTHER

RESOLVED that no 1989 funds be released or paid to any cultural or public benefit agency until such agency adheres to these guidelines, and until said agency submits to the Town an audited financial statement listing all income and expenses for their 1988 fiscal year.

* See next page for guidelines

* * * * *

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN JOHNSON to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

and the amended resolution is as follows:

TOWN OF CHEEKTOWAGA

1989 GUIDELINES FOR CULTURAL
AND PUBLIC BENEFIT CORPORATIONS

- 1.) Applications for funds from the Town of Cheektowaga must be submitted in writing to the Town in care of Ralph Majchrowicz, Director of Administration and Finance. All applications must be submitted by August 31, 1988.
- 2.) All applications must include the following:
 - a) Audited financial statement from the most recently completed fiscal year,
 - b) Adopted budget for current fiscal year (1988),
 - c) Proposed budget for proposed fiscal year (1989),
 - d) Roster of membership showing 50% Town residency,
 - e) Roster of officers and directors showing 80% Town residency,
 - f) Statement of proposed program. i.e. State completed schedule of events proposed by your organization, and what events are slated for expenditures of Town funds.
- 3.) Proof of non-profit status, either Sec. 501 (c) (3) of the Internal Revenue Code or Charities Registration Statement by the New York State Office of Charities. Registration must be submitted with the application.
- 4.) Town funds must be used only for events that are open to the public.

Item No. 25 cont'd

Motion by Councilman Kulyk, seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga makes annual grant allocations to various cultural and public benefit organizations to fund various activities and presentations which are open to the public, and

WHEREAS, there currently is no mechanism in place to monitor whether Town grants are being used for their intended purposes, and

WHEREAS, other municipalities and counties in New York State have guidelines which cultural and public agencies adhere to in order to obtain public funds, NOW, THEREFORE, BE IT

RESOLVED that the guidelines be established for any involved agencies requesting funds beginning in the 1989 fiscal year; and BE IT FURTHER

RESOLVED that no 1989 funds be released or paid to any cultural or public benefit agency until such agency adheres to these guidelines, and until said agency submits to the Town an audited financial statement listing all income and expenses for their 1988 fiscal year.

* See next page for guidelines (change)

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

TOWN OF CHEEKTOWAGA

1989 GUIDELINES FOR CULTURAL
AND PUBLIC BENEFIT CORPORATIONS

- 1.) Applications for funds from the Town of Cheektowaga must be submitted in writing to the Town in care of Ralph Majchrowicz, Director of Administration and Finance. All applications must be submitted by August 31, 1988.
- 2.) All applications must include the following:
 - a) Audited financial statement from the most recently completed fiscal year,
 - b) Adopted budget for current fiscal year (1988),
 - c) Proposed budget for proposed fiscal year (1989),
 - d) Roster of officers and directors showing 80% Town residency,
 - e) Statement of proposed program. i.e. State completed schedule of events proposed by your organization, and what events are slated for expenditures of Town funds.
- 3.) Proof of non-profit status, either Sec. 501 (c) (3) of the Internal Revenue Code or Charities Registration Statement by the New York State Office of Charities. Registration must be submitted with the application.
- 4.) Town funds must be used only for events that are open to the public.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 26 Cheektowaga Planning Board - minutes of July 1988 meeting.
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 27 N.Y.S.D.O.T.: Designation of Restricted Highway: Union Road, south of Broadway and North of Como Park Boulevard
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Chris Kowal, Highway Superintendent; Robert Lis, Chief of Police; Cheektowaga Traffic Safety Commission.
Received and Filed.

Item No. 28 N.F.T.A.: Negative Declaration (Non-significance) for Acquisition of property at 195 Holtz Drive
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Chester Bryan, Town Engineer.
Received and Filed.

Item No. 29 Town of West Seneca: Notice regarding rezoning and special use permit for Mobile Home Park
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Sal LaGreca, Planning Board Chairman; Ron Marten, Building and Plumbing Inspector.
Received and Filed.

Item No. 30a NOTICE OF CLAIM: Karl A. Straus vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert Lis, Chief of Police; Joseph J. Naples, Insurance Carrier.
Received and Filed.

Item No. 30b NOTICE OF CLAIM: New York Casualty for James Walsh & George Siembid Assoc. vs Town of Cheektowaga.
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Ron Zoeller, Working Foreman-Sanitation Department; Joseph J. Naples, Insurance Carrier.
Received and Filed.

Item No. 31a NOTICE OF PETITION: IC Group, Inc. (Cooper Industries, Inc.) vs Board of Assessment Review.
Copies were sent to: Frank E. Swiatek, Supervisor; Casey Kozminski, Town Assessor.
Received and Filed.

Item No. 31b NOTICE OF PETITION: ITT Corp. vs Board of Assessment Review.
Copies were sent to: Frank E. Swiatek, Supervisor; Casey Kozminski, Town Assessor.
Received and Filed.

VI. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk
to suspend the rules to include the following two (2) items.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 32 Motion by Councilman Jaworowicz, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga Police Department currently uses the
Erie County Firing Range located on the Alden Correctional Facility grounds in
Wende, New York, and

WHEREAS, the County of Erie has notified the Town that the Town must
submit to the County Attorney an indemnification agreement and proof of self-
insurance coverage saving the County harmless from liability from the Town's use of
such firing range, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed
to execute the necessary indemnification agreement, as prepared by the Town
Attorney, and BE IT FURTHER

RESOLVED that the Town Attorney forward such agreement to the County
Attorney, along with proof of the Town's self-insurance.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

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

EFFECTIVE

CENTRAL GARAGE - Seasonal - \$5.00 per hour

Gerald Darlak

Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

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

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 17 August 15, 1988</u>	
32	Authorize Supervisor to execute agreement regarding use fo Erie County Firing Range	47
33	Hiring of seasonal employees - various departments	47

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 19 September 6, 1988</u>		
2	Amendment to Zoning Ordinance - Landscaping of Commercial Property	1
3	Proposed Local Law No. 2 of 1988 entitled "A Local Law for Commercial Property Maintenance"	2
<u>Meeting No. 20 September 19, 1988</u>		
2	Amendment to Special Review Zoning District Ordinance	1
3	Amendment to Traffic Ordinance - Art. VIII: Stop & Yield Intersections - DEAN ROAD	1-2
4	Proposed Subdivision Regulations	2

RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 19 September 6, 1988</u>		
4	DECISIONS: a. Amendment to Zoning Ordinance - Landscaping of Commercial Property b. Local Law No. 2 of 1988 - A Local Law for Commercial Property Maintenance	3-6 7-8
5	NOTICE TO BIDDERS: a. Furnish labor, materials, tools, etc. for roofing repairs on Highway Department Offices b. Lease one 1989 model, 4-wheel drive Suburban for Disaster Coordinator	9 10
6	CALL FOR PUBLIC HEARING: a. Amendment of Special Review Zoning District Ordinance b. Amendment to Traffic Ordinance - Art. VIII "Stop & Yield Intersections" - Dean Road c. Proposed Subdivision Regulations	11-12 13-14 14
7	AWARD OF BID: a. Furnishing, installation of various playground equipment for Facilities Department b. Snow plow blades, etc. for Highway Department	15 15-16
8	TERMINATION OF: a. Seasonal employees in Recreation Dept. b. Seasonal/part-time employees in various departments c. Employees from Cheektowaga Conservation Corps.	16-19 19-20 20-21
9	APPOINTMENTS: a. Coordinator of Employee Relations b. Temporary laborer in Sanitation	21-22 23
10	Hiring of seasonal/part-time employees in various departments	23
11	Return Temporary Senior Clerk Typist in Town Clerk's Office to former position	23
12	Authorize Sanitation Dept. MEO-B to return to work	23
13	Military leave of absence for employee in Central Garage	24
14	Rescind resolution of 8/15/88 regarding extended sick leave for employee in Central Garage	24
15	AUTHORIZE FOLLOWING TO ATTEND SEMINARS/CONFERENCES: a. Town Justice b. Three employees of Cheketowaga Court c. Disaster Coordinator d. Two Police Officer e. Youth Bureau Program Coordinator	24-25 25 25 26 26
16	Retain attorney to represent Town in Assessment Review Proceedings	26-27
17	ADOPT: a. Five Year Capital Plan b. Records Retention and Disposition Schedule MU-1	27-28 28
18	ACCEPT: a. Proposal for preparation of maps, etc. of easement regarding U-Crest South Drainage System b. Losson Park Village Subdivision	28-29 29-31
19	Designation of official name of "Cheektowaga Youth <u>Bureau</u> "	31
20	Approval of Petition for construction of street improvements on property fronting on south side of Broadway between Harlem Road and Wallace Avenue	31-33
21	AUTHORIZE: a. Supervisor to submit requests to Dept. of Housing & Urban Development for Section 312 Loan Program funding b. Publication of notice seeking proposals for Environmental texting of Walden Avenue site c. Rental Rehabilitation Grant Funds	33 33-34

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 19 September 6, 1988 cont'd</u>		
22	Transfer two (2) election booth trailers to Facilities Dept.	35
23	CLEAN-UP OF PROPERTY LOCATED AT:	
	a. 4347 Union Road	35
	b. Vacant land south of properties at 156, 214, 210 & 200 Dean Rd.	36
24	Transfer of Funds	36-37
25	Warrant List	37

<u>Meeting No. 20 September 19, 1988</u>		
5	Decision on amendment to Special Review Zoning Dist. Ordinance	2-3
6	Authorize Certificate of Occupancy regarding Sibleys Store at Walden Galleria	4-9
7	Reject bids for comfort station and shelter at Firemen's Park	10
8	NOTICE TO BIDDERS:	
	a. Construction of comfort station & shelter at Firemen's Park	10-11
	b. One (1) 1989 model 3/4 ton van for Highway Department	12
	c. One (1) 1989 Model 2-wheel drive mini-van for Highway	13
9	Amended Building and Plumbing Permit fees	14
10	Affirm recommendation of SEQR Committee re: 84 Pfohl Raod	14
11	Permission and denial for billboards requested by Penn Advertising	15
12	Support of E.C. Committee Service Project	15-16
13	Approval of Woodlands at the Park Subdivision	16
14	Authorization for Maryvale High School to conduct Homecoming Parade	16-17
15	Authorize Supervisor to execute agreement with DAV Chapter 150, Inc.	17
16	Authorize Town Clerk to issue new Ambulance Driver/Attendant Lic.	17
17	AUTHORIZATION FOR HYDRANT INSTALLATION:	
	a. In conjunction with construction of Galleria Drive	18
	n. Losson Park Village Subdivision	18-19
18	TERMINATION OF SEASONAL/PART-TIME EMPLOYEES:	
	a. Recreation Department	19
	b. Various Departments	19-20
19	AUTHORIZATION TO ATTEND SEMINAR:	
	a. General Foreman, Sanitation	20-21
	b. Fire Inspectors	21
20	Retain firm to conduct auction of Town vehicles	21
21	Transfer of Funds	22
22	Warrant List	22

<u>Meeting No. 21 October 3, 1988</u>		
2	Decision on amendment to Traffic Ordinance - Dean Road	1-2
3	CALL FOR PUBLIC HEARINGS:	
	a. Benefit Basis Budget	3
	b. Amendment to Traffic Ordinance - Art. VIII "Stop & Yield Int." LeHavre Drive	4
	c. Amendment to Zoning Ordinance	5
4	Reject bids for South U-Crest Ditch Construction Project	5
5	AWARD OF BIDS:	
	a. One 1989 Model 2-wheel drive Mini-van for Highway	5
	b. One 1989 Model 3/4 ton van for Highway	5-6
6	Notice to Bidders - regular, unleaded & premium Gasoline	6
7	Mitigation Agreement regarding Wildlife Preserve Parcel Donation by Pyramid Co. of Buffalo	7
8	MEMORIALIZE:	
	a. State Leiglsature & Govenror to appropriate money to enable DOT to purchase and plant trees along Broadway	7
	b. State Legislature & Governor to amend State Election Law	7-8

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
9	Proclaim October as Polish American Heritage Month	8
10	Permission for Losson Park Village Corp. to effect connection of 12" Towers Blvd. main to Town Water District #9	8
11	Amendment to approval of Woodlands at the Park Subdivision	9
12	Establish of Cheektowaga Ad Hoc Sports Committee	9-10
13	Return of partial escrow funds regarding Phase II of Greenwood Village Subdivision	10
14	Designation of "Halloween Night"	10-11
15	APPROVAL OF AMBULANCE DRIVE/ATTENDANT LICENSES:	
	a. Renewal	11-12
	b. New	12-13
16	CLEAN-UP OF PROPERTY LOCATED AT:	
	a. 5 French Road	13
	b. 465 French Road	13
17	Termination of seasonal employees in Facilities Department	13-14
18	Hiring of seasonal employees in Recreation Department	14-15
19	Compensation of seasonal employee	15-16
20	Extension of sick leave for laborer in Highway Dept.	16
21	AUTHORIZATION TO ATTEND SEMINAR:	
	a. Town Assessor	16
	b. Two Police Officers	17
22	Transfer of Funds	17
23	Warrant List	18

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<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 21 October 3, 1988</u>	
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DEPARTMENTAL COMMUNICATIONS

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	<u>Meeting No. 19 September 6, 1988</u>	
26	Building Permits	37
27	Supervisor's Statement of Funds for July 1988	38
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23	Cheektowaga Planning Board - minutes of August meeting	22
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25	Supervisor's Statement of Funds	19
26	Building Permits	19

GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 19 September 6, 1988</u>	
28	Order to Show Cause - Benderson Development co. vs Town of Chktg.	38
29	Notice of Claim - Sue Ann Curto vs Town of Cheektowaga	38
30	NOTICE OF PETITION - ASSESSMENT REVIEW PROCEEDINGS	
	a. Southland Corporation - 5 properties	38
	b. Stop N Go Foods, Inc.	38
	c. Southland Employees Trust - 1 property	38
	d. Dynamic Enterprises - 3901-3909 Genesee Street	38
	e. Airport Industrial Park - 84 Aero Drive	38
	f. Mary Ann Miller, Trustee for Schectman Children's Trust- 1680 Walden	38
	g. Buffalo Airport Bowling Center - 3754 Genesee Street	38
	h. Arthur Gellman -1550-1564 Walden Avenue	38
	i. Maryvale Associates - Linda Drive (156 unit apt. complex)	39
	j. Antoinette Dimino - 21 Thruway Court	39
	k. Richard J. Rosch 0 530 Dick Road	39
	l. Richard D. Fors, Jr. & Charles J. Mund - Burger Kings - 4 locations	39
	m. Garden Village Investors - Garden Village Apartments	39
	n. Anthony Pantera - 3083 William Street	39
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No. 19

No. 20

No. 21

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 24th day of August, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chris Kowal, Highway Superintendent.

Item No. 2 Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, by resolution dated July 18, 1988, this Town Board directed that a Notice to Bidders for the purchase of Trucks with Refuse Packers be published, and

WHEREAS, sealed bids for said purchase of Trucks with refuse Packers were duly opened on August 1, 1988 at a public bid opening, and

WHEREAS, the General Foreman of the Sanitation Department has reviewed the bids submitted and has recommended that the bid for the purchase of nine (9) Trucks with Refuse Packers be awarded to Peterbilt of Buffalo, the lowest responsible bidder meeting specifications, for nine (9) Peterbilt cab chassis with Heil Packers, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of nine (9) Trucks with Refuse Packers be and hereby is awarded to:

Peterbilt of Buffalo

Cheektowaga, N.Y. 14225

the lowest responsible bidder meeting specifications, for nine (9) Peterbilt cab chassis with Heil Packers for a total bid price of \$831,969.00, and BE IT FURTHER

RESOLVED that expenditures shall be charged to Capital Project Account No. 05-8810-8160-1200.

MOTION BY COUNCILMAN SOLECKI, SECONDED BY SUPERVISOR SWIA TEK
to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

and the amended resolution is as follows:

Item No. 2 cont'd

Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, by resolution dated July 18, 1988, this Town Board directed that a Notice to Bidders for the purchase of Trucks with Refuse Packers be published, and

WHEREAS, sealed bids for said purchase of Trucks with refuse Packers were duly opened on August 1, 1988 at a public bid opening, and

WHEREAS, the General Foreman of the Sanitation Department has reviewed the bids submitted and has recommended that the bid for the purchase of nine (9) Trucks with Refuse Packers be awarded to Peterbilt of Buffalo, the lowest responsible bidder meeting specifications, for nine (9) Peterbilt cab chassis with Heil Packers, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of nine (9) Trucks with Refuse Packers be and hereby is awarded to:

Peterbilt of Buffalo
2370 Walden Avenue
Cheektowaga, N.Y. 14225

the lowest responsible bidder meeting specifications, for nine (9) Peterbilt cab chassis with Heil Packers for a total bid price of \$839,772.00, and BE IT FURTHER

RESOLVED that expenditures shall be charged to Capital Project Account No. 05-8810-8160-1200.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 3 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc., as part of the acceptance of Edgeport Subdivision and as a prerequisite to the construction of any buildings in such subdivision, has submitted to the Town for its acceptance a warranty deed for the following highway:

BERT ROAD

WHEREAS, the Town Superintendent of Highways in the attached letter has recommended that such deed be accepted by the Town, and

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc. has also submitted sanitary sewer, storm sewer and electrical conductor easements to the Town, as requested by the Town Engineer, and

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc. has also submitted a maintenance bond for Bert Road and certified checks to guarantee street lighting for this area of Town and fencing along the east property line of the Edgeport Subdivision, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned deed, easements, maintenance bond and certified checks be and hereby are accepted by this Town Board contingent upon the approval of the form thereof by the Town Attorney, and BE IT FURTHER

RESOLVED that, after approval of these documents by the Town Attorney, the Town Attorney be and hereby is directed to file the deed and easements in the Erie County Clerk's Office,

Item No. 3 cont'd

MOTION BY COUNCILMAN JOHNSON, SECONDED BY SUPERVISOR SWIATEK to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc., as part of the acceptance of Edgeport Subdivision and as a prerequisite to the construction of any buildings in such subdivision, has submitted to the Town for its acceptance a warranty deed for the following highway:

BERT ROAD

WHEREAS, the Town Superintendent of Highways in the attached letter has recommended that such deed be accepted by the Town, and

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc. has also submitted sanitary sewer, storm sewer and electrical conductor easements to the Town, as requested by the Town Engineer, and

WHEREAS, Castine, Kadowski, Leising & Sharp, Inc. has also submitted a maintenance bond for Bert Road and certified checks to guarantee street lighting for this area of Town and fencing along the east property line of the Edgeport Subdivision, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned deed, easements, maintenace bond and certified checks be and hereby are accepted by this Town Board contingent upon the approval of the form thereof by the Town Attorney, and BE IT FURTHER

RESOLVED that no building permits be issued until the following conditions are met:

1. Definition of the swale to the rear of Sublot #10
2. Clean-up of the large boulders, stones, and rubble to the rear of Sublots #9 through #14
3. The balance, as to grade, of sublots #13 through #20 be accomplished under the supervision and with the approval of the Building Inspector

and BE IT FURTHER

RESOLVED that, after approval of these documents by the Town Attorney, the Town Attorney be and hereby is directed to file the deed and easements in the Erie County Clerk's Office,

* See next page for letter

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Growing In A New Direction



TOWN OF CHEEKTOWAGA

Erie County, New York

August 11, 1988

CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, N. Y. 14227-1083
(716) 686-3450
Mobile: 863-5867

Honorable Frank Swiatek, Supervisor
Honorable Town Board Members
Town of Cheektowaga, NY 14227

Councillors:

RE: BERT RD., ACCEPTANCE AS A TOWN HIGHWAY

Please be advised that timely and effective inspections during all phases of construction have been performed by my Engineer, Ted Skowron, and myself; as well as the Town Engineer and Building Inspector. My findings are that Bert Rd., as herein described, does meet with the current specifications of the Town of Cheektowaga and is recommended for acceptance into our system of highways.

Bert Rd. is more particularly described as a 60' w. R.O.W. beginning at a point in the south R.O.W. line of Ellen Dr. thence continuing south and west for a distance of ±950' to a point of intersection with Redleaf Lane and according to a map filed in the County Clerk's Office under M.C. 2473, is known and distinguished as Bert Rd. fronting sublots 1-20, inclusive.

The deed is in the Town Attorney's office for approval and filing. The maintenance bond is in an amount commensurate with the provisions of the Town's P.I.P. Ordinance. This bond is in the Town Attorney's office for approval. A street lighting agreement is being provided. Drainage easements must be filed. The site is balanced and graded in conformance with the wishes of the Building Inspector. The sanitary sewer system has been inspected and approved by the Town Engineer's office. Tree planting arrangements must satisfy the Building Inspector.

Trusting this meets with your approval, I remain,

Yours truly,

Christopher Kowal
Superintendent of Highways

cc: Town Attorney
Town Clerk
Town Engineer

Building Inspector
Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

Item No. 4 Motion by Councilman Solecki, Seconded by Supervisor Swiatek
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of September, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Bruce Chamberlin, Assistant Chief of Police; Christopher Kowal, Highway Superintendent; James Kirisits, Town Attorney; Sam LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Ralph Majchrowicz, Supervising Accountant; Ronald Marten, Building Inspector; and Bernie Wojtkowiak, Erie County Legislator.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Zoning Ordinance of the Town of Cheektowaga, regarding requiring the installation of landscaping strips on all existing commercial property within the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendment being as follows:

*SEE NEXT TWO (2) PAGES FOR COPY OF AMENDMENT.

5. RESOLVED THAT ARTICLE VII, Section 82-45 which pertains to continuation of nonconforming uses shall be amended by the insertion of the phrase "other than parking or lack of landscaping in a required landscaping area" after the first word "use" so that this section shall read as follows:

82-45 Continuation Of Use

Any use other than parking or lack of landscaping in a required landscaping area which is made nonconforming by any use regulation of this chapter or by any subsequent amendments thereto may be continued except as hereinafter provided.

MEETING NO. 19
September 6, 1988

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.

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting a Local Law for Commercial Property Maintenance for the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said Local Law being as follows:

*SEE NEXT TEN (10) PAGES FOR COPY OF LOCAL LAW.

§ 16-1 COMMERCIAL PROPERTY MAINTENANCE LOCAL LAW

CHAPTER 16

COMMERCIAL PROPERTY MAINTENANCE

- § 16-1. Title
- § 16-2. General requirements.
- § 16-3. Definitions.
- § 16-4. Applicability.
- § 16-5. Open areas and parking spaces.
- § 16-6. Commercial Property.
- § 16-7. Building and structures.
- § 16-8. Infestation and screening.
- § 16-9. Littering; abandoned refrigerators; receptacles.
- § 16-10. Responsibilities of occupants.
- § 16-11. Responsibilities of owners.
- § 16-12. Administration and Enforcement
- § 16-13. Powers and Duties.
- § 16-14. Inspection.
- § 16-15 Violations and service or notice.
- § 16-16 Penalties for offences.
- § 16-17 Effective Date.

§ 16-1. Title

This chapter shall be known as the Local Law No. 2 of the Year 1988 entitled "A Local Law for Commercial Property Maintenance" of the Town of Cheektowaga.

§ 16-2. General requirements.

All commercial and industrial premises within the Town of Cheektowaga, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.

§ 16-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PROPERTY --- A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrications plants, gasoline stations, and other business uses as well as vacant lots or parcels that according to the Official Town of Cheektowaga Zoning Map are classified as RC, C, CM, M1 or M2.

GARBAGE --- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION --- The presence of insects, rodents, vermin or other pests.

LITTER --- Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or desposited as herein prohibited, tends to create a danger to public health, safety and welfare.

LOT --- A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

REFUSE --- All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, junked vehicles and solid market and industrial wastes.

RUBBISH --- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

UNOCCUPIED HAZARD --- Any building or part thereof which remains unoccupied for a period of more than ninety (90) days with either doors, windows or other openings broken, removed, boarded or sealed up or any building under construction on which little or no construction work has been performed for a period of more than ninety (90) days.

YARD --- An open space on the same lot which contains a building and is located between building line and the lot line which the particular building line faces.

§ 16-4. Applicability.

The provisions of this chapter shall supplement local laws, ordinances, codes or regulations existing in the Town of Cheektowaga and the other statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

§ 16-5. Open areas and parking spaces.

- A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.
- B. Fences and other minor construction shall be maintained in a safe and substantial condition.

- C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement carried out.
- D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown onto adjoining property. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.
- E. Heavy undergrowth and accumulation of plant growth which are noxious or detrimental to health shall be eliminated.

§ 16-6. Commercial Property.

- A. Commercial Property, as defined herein, shall at all times be maintained in compliance with the provisions of this chapter regulating open spaces, buildings or structures and littering.
- B. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings on the premises or in an acceptable enclosure, and shall be regularly collected and removed from the premises.
- C. No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated directly from public electricity and not from a mobile generator of any kind.
- D. All fences and planting areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may become in disrepair.

§ 16-7. Buildings and structures.

- A. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.
- B. Exterior walls, roofs and porches or appurtenances thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.
- C. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.
- D. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced.
- E. The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings to such vacated building shall be sealed with one half (1/2) inch or heavier exterior-grade plywood closures, painted so as to match the exterior walls and securely fastened, thereto.
- F. Buildings and structures shall be maintained in such a condition that they shall not become unoccupied hazards as defined in this chapter. All graffiti or defacing shall be removed and the surface finish restored or repainted within a five-day period.
- G. All signs and lighting systems shall be maintained in a completely operable, clean and safe condition.

§ 16-8. Infestation and screening.

- A. Grounds, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.
- B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

§ 16-9. Littering; abandoned refrigerators; receptacles.

- A. Commercial Property, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes.
- C. No refrigerator shall be discarded, abandoned or stored in a place accessible to children without first completely removing any locking devices and all doors.
- D. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping or architectural screening.

§ 16-10. Responsibilities of occupants.

An occupant of the premises shall be responsible for compliance with this chapter in regard to the following.

- A. Maintenance of that part of the premises which he occupies or controls in a clean sanitary and safe condition.
- B. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operations and use thereof.

- C. Keeping exits from his building clear and unencumbered.
- D. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of applicable codes.
- E. Extermination of insects, rodents or other pests within his premises.
- F. Maintenance of yards, lawns and courts in a clean, sanitary and safe condition and free from infestation, insofar as said occupant occupies or controls said yards, lawns or any parts thereof.
- G. Elimination of all prohibited uses for that part of the premises which he occupies, controls or has accessibility thereto.

§ 16-11 Responsibilities of owners.

- A. Owners of premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor regardless of the fact that this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- B. Owners and operators of buildings shall be responsible for the proper installation, maintenance, condition and operations of service facilities and for furnishing adequate heat and hot water supply where they have contracted to do so.
- C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the town as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the record owner; and notice to any such person of any order or decision of the Supervising Building and Plumbing Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violations of this chapter, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this chapter.

§ 16-12. Administration and Enforcement.

The provisions of this Code shall be administered and enforced by the Supervising Building and Plumbing Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this chapter.

§ 16-13. Powers and Duties.

- A. The Supervising Building and Plumbing Inspector shall be charged with the duty of administering this chapter and securing compliance therewith, and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management. Such rules and regulations shall not be in conflict with this chapter or with any provision of law.
- B. The Supervising Building and Plumbing Inspector shall be empowered to conduct surveys to determine the condition of premises, extent of deterioration, adequacy of maintenance, existence of unsafe and unsanitary conditions, and other relevant factors affecting safety, health, or welfare.
- C. It shall be the duty of the Supervising Building and Plumbing Inspector:
 - (1) to cause inspections to be made of premises within the scope of this chapter;
 - (2) to cause an investigation of complaints of alleged violations of this chapter;
 - (3) to issue written orders for the elimination or removal of conditions affecting or found to exist in, on, or about premises in violation of this chapter, and, where appropriate, order the cessation of an unlawful use or nuisance, or the vacation, demolition, or repair of premises found dangerous or unsafe, and to state in the violation order a reasonable time limit for compliance therewith;
 - (4) to take appropriate legal action upon failure to comply with a violation order or orders;
 - (5) to keep official records of actions and activities;
 - (6) to publish an annual report including a summary of actions, activities, results, accomplishments, studies, as well as current and proposed programs.

§ 16-14. Inspections.

- A. The Supervising Building and Plumbing Inspector or representatives shall be authorized, in the performance of their duties, to conduct inspections of premises, or parts of premises, at such times and in such manner as the Supervising Building and Plumbing Inspector may find convenient or necessary, with the consent of the person in possession of occupancy.
- B. If admission is refused or cannot be obtained from the person in possession or occupancy, the Supervising Building and Plumbing Inspector or representatives shall be authorized to obtain a warrant to make an inspection, provided reasonable or probable cause is shown.
- C. In case of an emergency, the Supervising Building and Plumbing Inspector or representatives may, without a warrant, enter any premises, or parts of premises to inspect the same, at any time, without the permission of the person in possession or occupancy.

§ 16-15. Violations.

- A. Whenever the Supervising Building and Plumbing Inspector finds that there has been a violation of this chapter, the Supervising Building and Plumbing Inspector shall issue a violation order to the person or persons responsible. The order shall:
 - (1) be in writing;
 - (2) identify the premises;
 - (3) specify the violation and remedial action to be taken;
 - (4) provide a reasonable time limit for compliance.
- B. A violation order may be served as follows:
 - (1) by personal service, or
 - (2) by mailing, by registered or certified mail, to the owner or occupant in accordance with this chapter, or
 - (3) if unforwardable, unacceptable, or returned to the Supervising Building and Plumbing Inspector by the owner or occupant, upon whom an order may be served, by posting a copy thereof in a conspicuous place on the premises and by mailing another copy thereof to the premises, on the same day as posted, enclosed in a postpaid wrapper addressed to the owner or occupant.

§ 16-15.

TOWN OF CHEEKTOWAGA CODE

§ 16-17

C. In case the owner or occupant, shall fail, neglect, or refuse to remove, eliminate, or abate the violation within the time specified, the Supervising Building and Plumbing Inspector shall take appropriate legal action.

§ 16-16. Penalties for offenses.

A violation of this chapter or any subsection or provision thereof shall be an offense and shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. These penalties shall be in addition to any other remedies provided by law.

§ 16-17. Effective date.

This Chapter shall take effect ten (10) days after publication as required by law.

Item No. 3 Cont'd.

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

II. RESOLUTIONS

Item 4a Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Offices of the Supervisor and the Building and Plumbing Inspector of the Town of Cheektowaga have recommended certain provisions of the Zoning Ordinance of the Town of Cheektowaga be amended to require landscaping strips on all existing commercial property and interior landscaping on certain large commercial parking lots within the Town of Cheektowaga, and

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

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of September 1988 at 7:00 o'clock P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

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

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

* * * * *

1. RESOLVED THAT ARTICLE I - General Provisions, Section 82-20.1D(9), which pertains to reducing landscaping requirements shall be amended by the insertion of the words, "and E of this section as well as the number of required off-street parking spaces", and the deletion of the word "this" prior to the word "Subsection", so that this subsection shall read as follows:

- (9) The requirements of this Subsection D & E as well as the number of required off-street parking spaces may be reduces if, after a study of the landscaping plan, the Planning Board recommends, in writing, to the Building Inspector that such reduction is justified.

2. RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 82-20.1E, which pertains to landscaping of existing and new development, shall be deleted entirely and replaced by a new Section 82-20.1 E, which shall read as follows:

E. Existing Development.

1. Existing development in all districts completed prior to the enactment of this section that may require a rezoning, a change in use or a building permit to expand shall comply with the requirements of this section prior to occupancy or use.
2. All other existing development shall comply with the requirements of this section, except that additional landscaping when required for such other existing development shall meet the following standards:
 - a. a landscaping strip being a minimum of ten (10) feet in depth shall be required along the entire front property line other than at permitted access driveways.
 - b. the installation of interior landscaping being a minimum of five (5) percent of the area of parking areas designed for twenty-five (25) or more cars shall be required.

The landscaping strip shall be installed no later than June 1, 1989; and the interior landscaping shall be installed no later

Item No. 4a Cont'd.

than June 1, 1992.

3. RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 82-20.1 F, which pertains to maintenance and enforcement shall be re-numbered Section 82-20.1 G

4. RESOLVED THAT A NEW SECTION 82.20.1 F shall be adopted and such section shall read as follows:

F. New Development. New developments shall be required to have landscaping in place and completed prior to occupancy or use of the property. In the event that seasonal conditions prevent completion of the required landscaping until the following planting season, the Planning Board shall set a completion date, and the owner shall post a certified check in the amount of one hundred percent (100%) of the cost of the landscaping as verified by a landscape architect. Said certified check shall be made payable to the Town of Cheektowaga Town Clerk and shall be redeemable after completion and approval of said landscaping work by the stated completion date. In the event that the landscaping plan is not completed by the prescribed date, the owner shall forfeit the deposited amount, and the town shall authorize installation of said landscaping.

5. RESOLVED THAT ARTICLE VII, Section 82-45 which pertains to continuation of nonconforming uses shall be amended by the insertion of the phrase "other than parking or lack of landscaping in a required landscaping area" after the first word "use" so that this section shall read as follows:

82-45 Continuation of Use

Any use other than parking or lack of landscaping in a required landscaping area which is made nonconforming by any use regulation of this chapter or by any subsequent amendments thereto may be continued except as hereinafter provided.

and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on September 6, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the Zoning Ordinance of the Town of Cheektowaga shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Motion by Councilman Johnson Seconded by Councilman Solecki to amend the above resolution, and the voting was as follows:

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

*AMENDED RESOLUTION ON NEXT PAGE

Item No. 4a Cont'd.

AMENDED RESOLUTION

WHEREAS, the Offices of the Supervisor and the Building and Plumbing Inspector of the Town of Cheektowaga have recommended certain provisions of the Zoning Ordinance of the Town of Cheektowaga be amended to require landscaping strips on all existing commercial property and interior landscaping on certain large commercial parking lots within the Town of Cheektowaga, and

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

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of September 1988 at 7:00 o'clock P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

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

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

* * * * *

1. RESOLVED THAT ARTICLE I - General Provisions, Section 82-20.1D(9), which pertains to reducing landscaping requirements shall be amended by the insertion of the words, "and E of this section as well as the number of required off-street parking spaces", and the deletion of the word "this" prior to the word "Subsection", so that this subsection shall read as follows:

(9) The requirements of this Subsection D & E as well as the number of required off-street parking spaces may be reduced if, after a study of the landscaping plan, the Planning Board recommends, in writing, to the Building Inspector that such reduction is justified.

2. RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 82-20.1E, which pertains to landscaping of existing and new development, shall be deleted entirely and replaced by a new Section 82-20.1 E, which shall read as follows:

E. Existing Development.

1. Existing development in all districts completed prior to the enactment of this section that may require a rezoning, a change in use or a building permit to expand shall comply with the requirements of this section prior to occupancy or use.
2. All other existing development shall comply with the requirements of this section, except that additional landscaping when required for such other existing development shall meet the following standards:
 - a. a landscaping strip being a minimum of ten (10) feet in depth shall be required along the entire front property line other than at permitted access driveways.
 - b. the installation of interior landscaping being a minimum of five (5) percent of the area of parking areas designed for five-hundred (500) or more cars shall be required.

The landscaping strip shall be installed no later than June 1, 1989; and the interior landscaping shall be installed no later than June 1, 1992.

3. RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 82-20.1 F, which pertains to maintenance and enforcement shall be re-numbered Section 82-20.1 G

4. RESOLVED THAT A NEW SECTION 82.20.1 F shall be adopted and such section shall read as follows:

Item No. 4a Cont'd.

F. New Development. New developments shall be required to have landscaping in place and completed prior to occupancy or use of the property. In the event that seasonal conditions prevent completion of the required landscaping until the following planting season, the Planning Board shall set a completion date, and the owner shall post a certified check in the amount of one hundred percent (100%) of the cost of the landscaping as verified by a landscape architect. Said certified check shall be made payable to the Town of Cheektowaga Town Clerk and shall be redeemable after completion and approval of said landscaping work by the stated completion date. In the event that the landscaping plan is not completed by the prescribed date, the owner shall forfeit the deposited amount, and the town shall authorize installation of said landscaping.

5. RESOLVED THAT ARTICLE VII, Section 82-45 which pertains to continuation of nonconforming uses shall be amended by the insertion of the phrase "other than parking or lack of landscaping in a required landscaping area" after the first word "use" so that this section shall read as follows:

82-45 Continuation of Use

Any use other than parking or lack of landscaping in a required landscaping area which is made nonconforming by any use regulation of this chapter or by any subsequent amendments thereto may be continued except as hereinafter provided.

6. RESOLVED THAT ARTICLE I - GENERAL PROVISIONS, Section 82-20.1D(7) which relates to the protection of plant materials shall be amended by adding sentence so that this section shall read as follows:

(7) All interior dimensions of any landscaped area of median shall be designed in accordance with the American Association of Nurserymen Standards for planting bed size to protect the plant materials planted therein and insure proper growth. All landscaped areas shall be bordered with approved concrete curbing.

* * * * *

and

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on September 6, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the Zoning Ordinance of the Town of Cheektowaga shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 15 1988 ;
last publication..... SEP 15 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 15th

day of September, 1988

..... Justine D. Dembik

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
AMENDED RESOLUTION
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 September, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Jr.

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

Absent: 0 Motion by Supervisor Swiatek and Seconded by Councilman Gabryszak

WHEREAS, the Offices of the Supervisor and the Building and Plumbing Inspector of the Town of Cheektowaga have recommended certain provisions of the Zoning Ordinance of the Town of Cheektowaga be amended to require landscaping strips on all existing commercial property and interior landscaping on certain large commercial parking lots within the Town of Cheektowaga, and

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

WHEREAS, a public hearing on said proposed amendments was held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of September 1988 at 7:00 o'clock P.M., and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

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

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

1. RESOLVED THAT ARTICLE I-GENERAL PROVISIONS, Section 82-20.1 D (9), which pertains to reducing landscaping requirements shall be amended by the insertion of the words, "and E of this section as well as the number of required off-street parking spaces", and the deletion of the word "this" prior to the word "subsection", so that this subsection shall read as follows:

(9) The requirements of this Subsection D & E as well as the number of required off-street parking spaces may be reduced if, after a study of the landscaping plan, the Planning Board recommends, in writing, to the Building Inspector that such reduction is justified

landscaping work by the stated completion date. In the event that the landscaping plan is not completed by the prescribed date, the owner shall forfeit the deposited amount, and the Town shall authorize installation of said landscaping.

5. RESOLVED THAT ARTICLE VII, Section 82-45 which pertains to continuation of nonconforming uses shall be amended by the insertion of the phrase "other than parking or lack of landscaping in a required landscaping area" after the first word "use" so that this section shall read as follows:

82-45 Continuation of Use

Any use other than parking or lack of landscaping in a required landscaping area which is made nonconforming by any use regulation of this chapter or by any subsequent amendments thereto may be continued except as hereinafter provided.

6. RESOLVED THAT ARTICLE I-GENERAL PROVISIONS, Section 82-20, 1D (7) which relates to the protection of plant materials shall be amended by adding sentence so that this section shall read as follows:

(7) All interior dimensions of any landscaped area of median shall be designed in accordance with the American Association of Nurserymen Standards for planting bed size to protect the plant materials planted therein and insure proper growth. All landscaped areas shall be bordered with approved concrete curbing.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on September 6, 1988; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned changes to the Zoning Ordinance of the Town of Cheektowaga shall take effect ten (10) days after such publication, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon roll call...

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

PUBLISH: September 15, 1988

7. RESOLVED THAT ARTICLE I-GENERAL PROVISIONS, Section 82-20.1 E, which pertains to landscaping of existing and new development, shall be deleted entirely and replaced by a new Section 82-20.1 E, which shall read as follows:

E. Existing Development

1. Existing development in all districts completed prior to the enactment of this section that may require a rezoning, a change in use or a building permit to expand shall comply with the requirements of this section prior to occupancy or use.

2. All other existing development shall comply with the requirements of this section, except that additional landscaping when required for such other existing development shall meet the following standards:

a. a landscaping strip being a minimum of ten (10) feet in depth shall be required along the entire front property line other than at permitted access driveways.

b. the installation of interior landscaping being a minimum of five (5) percent of the area of parking areas designed for five hundred (500) or more cars shall be required.

The landscaping strip shall be installed no later than June 1, 1989; and the interior landscaping shall be installed no later than June 1, 1992.

3. RESOLVED THAT ARTICLE I-GENERAL PROVISIONS, Section 82-20.1 F, which pertains to maintenance and enforcement shall be renumbered Section 82-20.1 G

4. RESOLVED THAT A NEW SECTION 82-20.1 F shall be adopted and such section shall read as follows:

F. New Development. New developments shall be required to have landscaping in place and completed prior to occupancy or use of the property. In the event that seasonal conditions prevent completion of the required landscaping until the following planting season, the Planning Board shall set a completion date, and the owner shall post a certified check in the amount of one hundred percent (100%) of the cost of the landscaping as verified by a landscape architect. Said certified check shall be made payable to the Town of Cheektowaga Town Clerk and shall be redeemable after completion and approval of said

MEETING NO. 19
September 6, 1988

Item No. 4b Motion by Supervisor Swiatek Councilman Gabryszak

WHEREAS, the Offices of the Supervisor and the Building and Plumbing Inspector of the Town of Cheektowaga have recommended that a Local Law for Commercial Property Maintenance be adopted, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said Local Law and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed Local Law was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of September 1988 at 7:00 o'clock P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to adopt Local Law no. 2 of the year 1988 entitled "A Local Law For Commercial Property Maintenance" a copy of which is attached herewith

NOW, THEREFORE, ~~BE~~ IT RESOLVED that Local Law No. 2 of the year 1988 entitled "A Local Law For Commercial Property Maintenance" be and is hereby adopted, and ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to file one (1) certified copy of such local law in his office and three (3) copies in the office of the Secretary of State, and ~~BE~~ IT FURTHER

RESOLVED that such local law shall be effective immediately upon filing with the Secretary of State.

*SEE NEXT TEN (10) PAGES FOR COPY OF LOCAL LAW FOR COMMERCIAL PROPERTY MAINTENANCE.

§ 16-1 COMMERCIAL PROPERTY MAINTENANCE LOCAL LAW

CHAPTER 16

COMMERCIAL PROPERTY MAINTENANCE

- § 16-1. Title
- § 16-2. General requirements.
- § 16-3. Definitions.
- § 16-4. Applicability.
- § 16-5. Open areas and parking spaces.
- § 16-6. Commercial Property.
- § 16-7. Building and structures.
- § 16-8. Infestation and screening.
- § 16-9. Littering; abandoned refrigerators; receptacles.
- § 16-10. Responsibilities of occupants.
- § 16-11. Responsibilities of owners.
- § 16-12. Administration and Enforcement
- § 16-13. Powers and Duties.
- § 16-14. Inspection.
- § 16-15 Violations and service or notice.
- § 16-16 Penalties for offences.
- § 16-17 Effective Date.

§ 16-1. Title

This chapter shall be known as the Local Law No. 2 of the Year 1988 entitled "A Local Law for Commercial Property Maintenance" of the Town of Cheektowaga.

§ 16-2. General requirements.

All commercial and industrial premises within the Town of Cheektowaga, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.

§ 16-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PROPERTY --- A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrications plants, gasoline stations, and other business uses as well as vacant lots or parcels that according to the Official Town of Cheektowaga Zoning Map are classified as RC, C, CM, M1 or M2.

GARBAGE --- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION --- The presence of insects, rodents, vermin or other pests.

LITTER --- Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or desposited as herein prohibited, tends to create a danger to public health, safety and welfare.

LOT --- A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

REFUSE --- All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, junked vehicles and solid market and industrial wastes.

RUBBISH --- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

UNOCCUPIED HAZARD --- Any building or part thereof which remains unoccupied for a period of more than ninety (90) days with either doors, windows or other openings broken, removed, boarded or sealed up or any building under construction on which little or no construction work has been performed for a period of more than ninety (90) days.

YARD --- An open space on the same lot which contains a building and is located between building line and the lot line which the particular building line faces.

§ 16-4. Applicability.

The provisions of this chapter shall supplement local laws, ordinances, codes or regulations existing in the Town of Cheektowaga and the other statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

§ 16-5. Open areas and parking spaces.

- A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.
- B. Fences and other minor construction shall be maintained in a safe and substantial condition.

- C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement carried out.
- D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown onto adjoining property. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.
- E. Heavy undergrowth and accumulation of plant growth which are noxious or detrimental to health shall be eliminated.

§ 16-6. Commercial Property.

- A. Commercial Property, as defined herein, shall at all times be maintained in compliance with the provisions of this chapter regulating open spaces, buildings or structures and littering.
- B. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings on the premises or in an acceptable enclosure, and shall be regularly collected and removed from the premises.
- C. No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated directly from public electricity and not from a mobile generator of any kind.
- D. All fences and planting areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may become in disrepair.

§ 16-7. Buildings and structures.

- A. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.
- B. Exterior walls, roofs and porches or appurtenances thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.
- C. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.
- D. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced.
- E. The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings to such vacated building shall be sealed with one half (1/2) inch or heavier exterior-grade plywood closures, painted so as to match the exterior walls and securely fastened, thereto.
- F. Buildings and structures shall be maintained in such a condition that they shall not become unoccupied hazards as defined in this chapter. All graffiti or defacing shall be removed and the surface finish restored or repainted within a five-day period.
- G. All signs and lighting systems shall be maintained in a completely operable, clean and safe condition.

§ 16-8. Infestation and screening.

- A. Grounds, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.
- B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

§ 16-9. Littering; abandoned refrigerators; receptacles.

- A. Commercial Property, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes.
- C. No refrigerator shall be discarded, abandoned or stored in a place accessible to children without first completely removing any locking devices and all doors.
- D. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping or architectural screening.

§ 16-10. Responsibilities of occupants.

An occupant of the premises shall be responsible for compliance with this chapter in regard to the following.

- A. Maintenance of that part of the premises which he occupies, or controls in a clean sanitary and safe condition.
- B. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operations and use thereof.

- C. Keeping exits from his building clear and unencumbered.
- D. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of applicable codes.
- E. Extermination of insects, rodents or other pests within his premises.
- F. Maintenance of yards, lawns and courts in a clean, sanitary and safe condition and free from infestation, insofar as said occupant occupies or controls said yards, lawns or any parts thereof.
- G. Elimination of all prohibited uses for that part of the premises which he occupies, controls or has accessibility thereto.

§ 16-11 Responsibilities of owners.

- A. Owners of premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor regardless of the fact that this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- B. Owners and operators of buildings shall be responsible for the proper installation, maintenance, condition and operations of service facilities and for furnishing adequate heat and hot water supply where they have contracted to do so.
- C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the town as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the record owner; and notice to any such person of any order or decision of the Supervising Building and Plumbing Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violations of this chapter, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this chapter.

§ 16-12. Administration and Enforcement.

The provisions of this Code shall be administered and enforced by the Supervising Building and Plumbing Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this chapter.

§ 16-13. Powers and Duties.

- A. The Supervising Building and Plumbing Inspector shall be charged with the duty of administering this chapter and securing compliance therewith, and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management. Such rules and regulations shall not be in conflict with this chapter or with any provision of law.
- B. The Supervising Building and Plumbing Inspector shall be empowered to conduct surveys to determine the condition of premises, extent of deterioration, adequacy of maintenance, existence of unsafe and unsanitary conditions, and other relevant factors affecting safety, health, or welfare.
- C. It shall be the duty of the Supervising Building and Plumbing Inspector:
 - (1) to cause inspections to be made of premises within the scope of this chapter;
 - (2) to cause an investigation of complaints of alleged violations of this chapter;
 - (3) to issue written orders for the elimination or removal of conditions affecting or found to exist in, on, or about premises in violation of this chapter, and, where appropriate, order the cessation of an unlawful use or nuisance, or the vacation, demolition, or repair of premises found dangerous or unsafe, and to state in the violation order a reasonable time limit for compliance therewith;
 - (4) to take appropriate legal action upon failure to comply with a violation order or orders;
 - (5) to keep official records of actions and activities;
 - (6) to publish an annual report including a summary of actions, activities, results, accomplishments, studies, as well as current and proposed programs.

§ 16-14. Inspections.

- A. The Supervising Building and Plumbing Inspector or representatives shall be authorized, in the performance of their duties, to conduct inspections of premises, or parts of premises, at such times and in such manner as the Supervising Building and Plumbing Inspector may find convenient or necessary, with the consent of the person in possession of occupancy.
- B. If admission is refused or cannot be obtained from the person in possession or occupancy, the Supervising Building and Plumbing Inspector or representatives shall be authorized to obtain a warrant to make an inspection, provided reasonable or probable cause is shown.
- C. In case of an emergency, the Supervising Building and Plumbing Inspector or representatives may, without a warrant, enter any premises, or parts of premises to inspect the same, at any time, without the permission of the person in possession or occupancy.

§ 16-15. Violations.

- A. Whenever the Supervising Building and Plumbing Inspector finds that there has been a violation of this chapter, the Supervising Building and Plumbing Inspector shall issue a violation order to the person or persons responsible. The order shall:
 - (1) be in writing;
 - (2) identify the premises;
 - (3) specify the violation and remedial action to be taken;
 - (4) provide a reasonable time limit for compliance.
- B. A violation order may be served as follows:
 - (1) by personal service, or
 - (2) by mailing, by registered or certified mail, to the owner or occupant in accordance with this chapter, or
 - (3) if unforwardable, unacceptable, or returned to the Supervising Building and Plumbing Inspector by the owner or occupant, upon whom an order may be served, by posting a copy thereof in a conspicuous place on the premises and by mailing another copy thereof to the premises, on the same day as posted, enclosed in a postpaid wrapper addressed to the owner or occupant.

§ 16-15.

TOWN OF CHEEKTOWAGA CODE

§ 16-17

C. In case the owner or occupant, shall fail, neglect, or refuse to remove, eliminate, or abate the violation within the time specified, the Supervising Building and Plumbing Inspector shall take appropriate legal action.

§ 16-16. Penalties for offenses.

A violation of this chapter or any subsection or provision thereof shall be an offense and shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. These penalties shall be in addition to any other remedies provided by law.

§ 16-17. Effective date.

This Chapter shall take effect ten (10) days after publication as required by law.

MEETING NO. 19
September 6, 1988

Item No. 4b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers, 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 2 weeks:
first publication SEP 08 1988 ;
last publication SEP 15 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers
Sworn to before me this 15th
day of September, 1988.
Justine D. Dembik

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

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 September, 1988 at 7:00 o'clock pm. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
Absent: 0 Motion by Supervisor Swiatek and Seconded by Councilman Gabryszak

WHEREAS, THE Offices of the Supervisor and the Building and Plumbing Inspector of the Town of Cheektowaga have recommended that a Local Law For Commercial Property Maintenance be adopted, **AND**

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said Local Law and gave due notice thereof as required by law, **AND**

WHEREAS, a public hearing on said proposed Local Law was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 6th day of September, 1988 at 7:00 o'clock P.M.; and at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, **AND**

WHEREAS, it is in the public interest to adopt Local Law No. 2 of the year 1988 entitled "A Local Law For Commercial Property Maintenance" a copy of which is attached herewith

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 2 of the year 1988 entitled "A Local Law For Commercial Property Maintenance" be and is hereby adopted, and **BE IT FURTHER**

RESOLVED, that the Town Clerk be and hereby is directed to file one (1) certified copy of such local law in his office and three (3) copies in the office of the Secretary of State, and **BE IT FURTHER**

RESOLVED, that such local law shall be effective immediately upon filing with the Secretary of State.

Upon roll call...
Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE

AYES: 7

ABSENT: 0

COMMERCIAL PROPERTY MAINTENANCE LOCAL LAW

CHAPTER 16

COMMERCIAL PROPERTY MAINTENANCE

16-1. Title.

16-2. General requirements.

16-3. Definitions.

16-4. Applicability.

16-5. Open areas and parking spaces.

16-6. Commercial Property.

16-7. Buildings and structures.

16-8. Infestation and screening.

16-9. Littering; abandoned refrigerators; receptacles.

16-10. Responsibilities of occupants.

16-11. Responsibilities of owners.

16-12. Administration and Enforcement.

16-13. Powers and Duties.

16-14. Inspection.

16-15. Violations and service or notice.

16-16. Penalties for offences.

16-17. Effective Date.

16-1. Title

This chapter shall be known as the Local Law No. 2 of the Year 1988 entitled "A Local Law For Commercial Property Maintenance" of the Town of Cheektowaga.

16-2. General requirements.
All commercial and industrial premises within the Town of Cheektowaga, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.

16-3. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PROPERTY-A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrications plants, gas-line stations, and other business uses as well as vacant lots or parcels that according to the Official Town of Cheektowaga Zoning Map are classified as RC, C, CM, M1 or M2.

GARBAGE-Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION-The presence of insects, rodents, vermin or other pests.

LITTER-Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

LOT-A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

REFUSE-All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, junked vehicles and solid market and industrial wastes.

RUBBISH-Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

UNOCCUPIED HAZARD-Any building or part thereof which remains unoccupied for a period of more than ninety (90) days with either doors, windows or other openings broken, removed, boarded or sealed up or any building under construction on which little or no construction work has been performed for a period of more than ninety (90) days.

YARD-An open space on the same lot which contains a building and is located between building line and the lot line which the particular building line faces.

16-4. Applicability.

The provisions of this chapter shall supplement local laws, ordinances, codes or regulations existing in the Town of Cheektowaga and the other statutes and regulation of municipal authorities having jurisdiction applicable thereto. Where a provision of this chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

16-5. Open areas and parking spaces.

A. Surface or subsurface water shall appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural safety or health hazard by reason of construction, maintenance or manner of discharge.

B. Fences and other minor construction shall be maintained in a safe and substantial condition.

C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement carried out.

D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown onto adjoining property. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to public.

E. Heavy undergrowth and accumulation of plant growth which are noxious or detrimental to health shall be eliminated.

16-6. Commercial Property.

A. Commercial Property, as defined herein, shall at all times be maintained in compliance with the provisions of this chapter regulating open spaces, building or structures and littering.

B. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish,

D. All fences and planting areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of laws and the replacement and/or repair which may become in disrepair.

16-7. Buildings and structures.

A. All Exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.

B. Exterior walls, roofs and porches or appurtenances thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.

C. The Foundation walls of every building shall be maintained in good repair and shall be structurally sound.

D. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls roofs and other parts of the building shall be free from loose and unsecured objects and material and improperly secured objects and material. Such objects and materials shall be removed, repaired or replaced.

E. The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings to such vacated building shall be sealed with one half (1/2) inch or heavier exterior-grade plywood closures, painted so as to match the exterior walls and securely fastened, thereto.

F. Buildings and structures shall be maintained in such a condition that they shall not become unoccupied hazards as defined in this chapter. All graffiti or defacing shall be removed and the surface finish restored or repainted within a five-day period.

G. All signs and lighting systems shall be maintained in a completely operable, clean and safe condition.

16-8. Infestation and screening.
A. Grounds, buildings, and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.

B. Where the potential for rodent or vermin infestation exists, window and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

16-9. Littering; abandoned refrigerators; receptacles.

A. Commercial Property, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes.

C. No refrigerator shall be discarded, abandoned or stored in a place accessible to children without first completely removing any locking devices and all doors.

D. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping or architectural screening.

16-10. Responsibilities of occupants.

An occupant of the premises shall be responsible for compliance with this chapter in regard to the following:

A. Maintenance of that part of the premises which he occupies or controls in a clean sanitary and safe condition.

B. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operations and use thereof.

C. Keeping exits from his building clear and unencumbered.

D. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of applicable codes.

16-11. Responsibilities of owners.
A. Owners of premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor regardless of the fact that this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

B. Owners and operators of buildings shall be responsible for the proper installation, maintenance, condition and operations of service facilities and for furnishing adequate heat and hot water supply where they have contracted to do so.

C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the town as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the record owner; and notice to any such person of any order or decision of the Supervising Building and Plumbing Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violations of this chapter, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this chapter.

16-12. Administration and Enforcement.

The provisions of this Code shall be administered and enforced by the Supervising Building and Plumbing Inspector of the Town of Cheektowaga, who shall have all the power and authority assigned to him by this chapter.

16-13. Powers and Duties.

A. The Supervising Building and Plumbing Inspector shall be charged with the duty of administering this chapter and securing compliance therewith, and shall be empowered to

adopt rules and regulations necessary for securing such compliance and for its own organization and internal management. Such rules and regulations shall not be in conflict with this chapter or with any provision of law.

B. The Supervising Building and Plumbing Inspector shall be empowered to conduct surveys to determine the condition of premises, extent of deterioration, adequacy of maintenance, existence of unsafe and unsanitary conditions, and other relevant factors affecting safety, health, and welfare.

C. It shall be the duty of the Supervising Building and Plumbing Inspector:

(1) to cause inspections to be made of premises within the scope of this chapter;

(2) to cause an investigation of complaints of alleged violations of this chapter;

(3) to issue written orders for the elimination or removal of conditions affecting or found to exist in, on, about premises in violation of this chapter, and, where appropriate, order the cessation of an unlawful use, nuisance, or the vacation, demolition or repair of premises found dangerous or unsafe, and to state in the violation order a reasonable time limit for compliance therewith;

(4) to take appropriate legal action upon failure to comply with a violation order or orders;

(5) to keep official records of violations and activities;

(6) to publish an annual report including a summary of actions, activities, results, accomplishments, statistics, as well as current and proposed programs.

16-14. Inspections.

A. The Supervising Building and Plumbing Inspector or representative shall be authorized, in the performance of their duties, to conduct inspection of premises, or parts of premises, such times and in such manner as the Supervising Building and Plumbing Inspector may find convenient necessary, with the consent of a person in possession of occupancy.

B. If admission is refused or cannot be obtained from the person in possession or occupancy, the Supervising Building and Plumbing Inspector representatives shall be authorized to obtain a warrant to make an inspection provided reasonable or probable cause is shown.

C. In case of an emergency, Supervising Building and Plumbing Inspector or representatives may, without a warrant, enter any premises or parts of premises to inspect same, at any time, without the permission of the person in possession

More Legals on Pg. 21

Item No. 5a Motion by Supervisor Swiatek Seconded by Councilman Solecki

WHEREAS, the roof on the office building at the Highway Department Garage is in need of immediate repair, and

WHEREAS, funds for the amount of said repair shall be appropriated from the General Fund Contingency Account as soon as the cost thereof has been determined, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of labor, materials, tools and equipment for said roofing repairs, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 19th day of September, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

SEALED PROPOSALS will be received by the Town of Cheektowaga on September 19, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the reroofing of the office building at the Highway Department Garage.

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

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

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
Town Clerk

DATED: September 6, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 08 1988.....;
last publication.....SEP 08 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this8th.....
day ofSeptember....., 1988.
.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed Proposals will be received by the Town of Cheektowaga on September 19, 1988 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the reroofing of the office building at the Highway Department Garage.

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

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

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 8, 1988

MEETING NO. 19
September 6, 1988

Item No. 5b Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga Disaster Coordinator desires to lease for a period of four years, (1) one, 1989 Model, 4 wheel drive Suburban for use by the Disaster Coordinator,

NOW, THEREFORE, BE IT

RESOLVED that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said lease of one (1), 1989 Model, 4 wheel drive Suburban. Notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED that sealed bids will be received and opened by the Town Clerk on the 19th day of September, 1988, at 11:00 A.M. Daylight Savings Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received by the town of Cheektowaga on September 19, 1988 at 11:00 A.M. Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the Lease of (1) 1989 Model, 4 Wheel Drive Suburban, for use by the Disaster Coordinator. *(Lease Period - for four years.)

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

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

By order of the Town Board of the Town of Cheektowaga, Erie County,
New York.

Richard M. Moleski
Town Clerk

DATED: September 6, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 08 1988.....;
last publication.....SEP 08 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this8th.....
day ofSeptember....., 19..88..
.....Justine D. Dembik.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE TO BIDDERS**

Scaled proposals will be received by the Town of Cheektowaga on September 19, 1988 at 11:00 A.M. Daylight Saving Time, at the Town Hall, corner of Broadway & Union Road, for the Lease of (1) 1989 Model, 4 Wheel Drive Suburban, for the use by the Disaster Coordinator. *(Lease Period - for four years.)

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

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

By the order of the Town Board of the Town of Cheektowaga, Erie County, New York.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 8, 1988

More Legals on Page 19

Item No. 6a Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, by resolution dated June 6, 1988, this Town Board adopted the "Special Review Zoning District" Ordinance, and

WHEREAS, such Ordinance established a moratorium on the construction of two-family dwellings in the Special Review Zoning District established thereunder until September 17, 1988, and

WHEREAS, such Ordinance was adopted in order to provide the Town Board with time to carefully review alternate proposals to the existing problem with the uncontrolled construction of two-family dwellings in the R-Residence District, and

WHEREAS, the Town Board is currently considering proposals for the assignment of two-family dwellings to a different or new zoning classification; establishing a maximum percentage allowed for two-family dwellings in given areas and subdivisions; and the adoption of subdivision regulations relating to two-family dwellings, and

WHEREAS, this Town Board feels that it will need additional time to adequately review and consider alternatives to the present system, NOW, THEREFORE, BE IT

RESOLVED that in accordance with the provisions of the Town Law, a public hearing be held on the 19th day of September, 1988 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Special Review Zoning District Ordinance" shall be amended to allow for an additional 30 day period for the placement of a moratorium on the construction of two-family dwellings in the Special Review Zoning District, and BE IT FURTHER

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

* * * * *

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 19th day of September, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following amendment to the Special Review Zoning District Ordinance:

RESOLVED THAT SECTION 1 of the Special Review Zoning District Ordinance shall be amended by the deletion of the number "90" therein and by substituting in its place the number "120".

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

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

RICHARD M. MOLESKI
Town Clerk

* * * * *

Item No. 6a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 08 1988 ;
last publication..... SEP 08 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this^{8th}.....
day ofSeptember....., 19 88.
.....Justine D. Dembik.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION..... 90

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 19th day of September, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following amendment to the Special Review Zoning District Ordinance:

RESOLVED THAT SECTION 1 of the Special Review Zoning District Ordinance shall be amended by the deletion of the number "90" therein and by substituting in its place the number "120".

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

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 8, 1988

JUSTINE D. DEMIRK

ROBERT W. DEMIRK

DEPT. OF THE TOWN

W. DEMIRK

MEETING NO. 19
September 6, 1988

Item No. 6b 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 19, 1988 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 8th day of September, 1988, 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 19, 1988 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

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Dean Road	North-South	Airport Drive	Eastbound Westbound	S.W. Corner N.E. Corner

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

RICHARD M. MOLESKI
Town Clerk

DATED: September 6, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clark..... 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 08 1988..... ;
last publication.....SEP 08 1988..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this8th.....

day ofSeptember....., 1988..

.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF PUBLIC HEAR-
ING**

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 19, 1988 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

Street

Dean Road

Direction

North-South

Entrance Street

Airport Drive

Traffic Stops

Eastbound

Sign Location

S.W. Corner

Street

Dean Road

Direction

North-South

Entrance Street

Airport Drive

Traffic Stops

Westbound

Sign Location

N.E. Corner

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 8, 1988

Item No. 6c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, in order to preserve the public health, safety and welfare within the town, this Town Board is authorized to enact subdivision regulations for the orderly development of land in the town, and

WHEREAS, members of the Town Board have proposed the subdivision regulation listed on the attached Notice of Hearing, NOW, THEREFORE, BE IT

RESOLVED that in accordance with the provisions of the town Law of the State of New York, a public hearing be held on the 19th day of September, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether a SUBDIVISION REGULATION should be enacted, and BE IT FURTHER

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

RESOLVED that the Town Clerk forward a copy of this resolution to the Planning Board and the Supervising Building and Plumbing Inspector with a request that they review same and report back to the Town Board on their recommendations.

* * * * *

NOTICE OF HEARING

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 19th day of September, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Subdivision Regulation:

SUBDIVISION REGULATION

At the time of submission of a subdivision map cover for approval by the Town Board, the subdivision owner shall specify on such map cover which lots will be utilized to erect two-family dwellings and which lots will be utilized to erect one-family dwellings. The subdivision owner, his successors and assigns shall thereafter be bound by such statements and any modifications to same shall require Town Board approval.

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: September 6, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clark..... 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 forSEP 08 1988 weeks;
first publication.....SEP 08 1988;
last publication.....SEP 08 1988;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this8th.....
day ofSeptember....., 1988..
.....Justine D. Dembik.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE OF HEARING**

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 19th day of September, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Subdivision Regulation:

SUBDIVISION REGULATION

At the time of submission of a subdivision map cover for approval by the Town Board, the subdivision owner shall specify on such map cover which lots will be utilized to erect two-family dwellings and which lots will be utilized to erect one-family dwellings. The subdivision owner, his successors and assigns shall thereafter be bound by such statements and any modifications to same shall require Town Board approval.

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

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 8, 1988

Item No. 7a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing and installation of various playground equipment, which bids were duly received and opened at the August 15, 1988 public bid opening, and

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

WHEREAS, bids were reviewed and it is recommended that the award be made to the lowest responsible bidder meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the bid for the furnishing and installation of various playground equipment for the Facilities Department, as recommended by the town Engineer, be and the same is hereby awarded to the following:

Johnstone Landscaping
2508 Stony Point Road
Grand Island, New York 14072

Item 1A \$25,650.00
Item 2A \$26,204.00

E.F. Schweitzer
1221 Lake Avenue
Rochester, New York 14613

Item 1B \$1,396.00
Item 2B \$ 900.00
Item 3B \$4,665.00
Item 4B \$5,510.00
Item 5B \$1,575.00

said bids meeting all the requirements of the specifications, AND, BE IT FURTHER

RESOLVED that funds have been budgeted in account #05-8629-7110-0025 for said playground equipment.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 7b Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, bids were duly received by this Town Board at a public bid opening held on September 2, 1988 at the Cheektowaga 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 THREE (3) PAGES FOR COPY OF TABULATION FROM HIGHWAY SUPERINTENDENT.

Bid Award - Snow Plow Blades, Rcvr
Grates etc. 9/6/88 to 9/5/89
Plow Blades, Shoes, Rcvr.
Grates etc. 9/6/88 to 9/5/88

STEEL SHOES & NOSE PIECES FW3232-1A
Cast iron one-way plow, one piece
2"x10"x14" Frame Shoe

FRINK WF3027-1A Mold Board Shoe

FRINK 2184 x 3 Wing Shoe MUST BE STEEL

FRINK 541R Nose Piece

CAST ALLOY ABRASIVE PLOW SHOES P/N3232

CARBON SNOW PLOW BLADES 2121-11A
1/2"x6"x114"

5/8"x6" ---per foot

5/8"x8" ---per foot

FLAME HARDENED GRADER BLADES

3/4"x8" ---per foot

Hardness shall be 57 to 67 on Rockwell C
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

FRONT PLOW BLADE CARBIDE EDGE 132"

CARBIDE TIPPED SHOE FOR ABOVE #3232

H. Rusert Co. MeccaKendal
75 Elmview Av. Route 240
Hamburg 14075 West Falls
648-5082 14170

Large & Swede Rupp Rental
7155 Big Tree 101 Great Arrow P.O. Box 218
Pavilion 14216
14525 877-1992
716-584-3425

Valk Mfg. Co. Snc
Equip. of
Carlisle Pa Buffalo Inc.
17013 P.O. Box 126
717-766-0711 14220
824-0779

Jamestown
Iron Wks.
909 Allen Ex.
Falconer
14733
1-665-2818

Frontier In
133 Hopkins
14220

30.00/ 360.00	54.95/ 647.40	41.27/ 495.24	NO BID	NO BID	NO BID	35.70/ 428.40*
21.00/ 252.00	24.24/ 289.20	22.90/ 274.80	18.90/ 226.80	19.55/ 234.60	" "	47.25/ 567.00*
24.00/ 288.00	32.60/ 385.20	31.79/ 381.48	20.00/ 240.00	20.70/ 248.40	" "	29.40/ 352.80*
16.00/ 192.00	19.55/ 231.00	18.90/ 226.80	11.10/ 133.20	11.50/ 138.00	" "	33.60/ 403.20*
34.00/ 408.00	NO BID	48.95/ 587.28	NO BID	NO BID	" "	45.70/ 428.40*
45.88/ 550.56	64.15/ 757.80	*55.08/ 660.96	28.70/ 344.40	29.72/ 356.64	" "	
4.50 ft.	7.40'/7.25'	6.98 ft.	3.78 ft.	3.91 ft.	" "	
5.38 ft.	9.60'/9.40'	9.38 ft.	5.06 ft.	5.24 ft.	" "	

13.20	*13.55/12.55'	11.36'	No Bid	No Bid	" "
-------	---------------	--------	--------	--------	-----

13.20	**13.66/12.66'	14.58'	8.33'	8.63'	" "
337.92/ 3973.94	442.75/ 5266.80	381.33** 3666.60	305.55/ 3666.60ft.	317.00/ 3804.00	283.50/ * 3402.00
121.50/ 1450.00	149.40/ 1777.30	106.25	122.20 1466.40	126.50 1518.00	122.84/ 1474.08*

*5/8-7/8" dbl *5/8x6"
bvl. curved 67.21/806.52
sel. hard. **2.89 per "
11/16" holes 34.67 per "
12" spacing
**3/4"x8" dbl
bvl same abv
6" spacing

*Min/order
One Doz. all
Carbide Prod.
Made in U.S.A.

Note by Supplier:
Cast Alloy Abrasive
Materials outlast all
Others 2 to 3 times.

NO BIDS SUBMITTED

JAMESTOWN IRON WORKS
EXTENSION RINGS FOR MANHOLES
(Mounted to Prevent Rocking)

(only bid submitted)
Per Dozen Per ½ doz. per Unit

22" dia. x 1"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
22" dia. x 2"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
22" dia. x 3"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
22½" dia. x 2"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
23" dia. x 1"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
23" dia. x 1½"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
23" dia. x 2"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
23" dia. x 3"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
24" dia. x 1"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
24" dia. x 1½"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
24" dia. x 2"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
24" dia. x 3"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
25" dia. x 1"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
25" dia. x 1½"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
25" dia. x 2"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>
25" dia. x 3"	Gray Iron	<u>963.00</u>	<u>505.00</u>	<u>87.00</u>

SEWER CASTINGS WITH COVERS

22"	Gray Iron	<u>1611.00</u>	<u>830.00</u>	<u>155.00</u>
23"	Gray Iron	<u>1858.00</u>	<u>954.00</u>	<u>171.50</u>
24"	Gray Iron	<u>1858.00</u>	<u>954.00</u>	<u>171.50</u>
25"	Gray Iron	<u>1858.00</u>	<u>954.00</u>	<u>171.50</u>

MANHOLE COVERS WITHOUT CASTINGS

22"	Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>
23"	Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>
24"	Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>
25"	Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>

JAMESTOWN IRON WORKS, -13- (only bid submitted)

<u>MANHOLE FRAMES</u>	<u>Per Dozen</u>	<u>Per 1/2 Doz.</u>	<u>Per Unit</u>
22" Gray Iron	<u>964.00</u>	<u>530.00</u>	<u>100.00</u>
23" Gray Iron	<u>964.00</u>	<u>530.00</u>	<u>100.00</u>
24" Gray Iron	<u>964.00</u>	<u>530.00</u>	<u>100.00</u>
25" Gray Iron	<u>964.00</u>	<u>530.00</u>	<u>100.00</u>
<u>SANITARY SEWER COVER</u>			
M-122-1-ST Gray Iron	<u>956.00</u>	<u>510.00</u>	<u>98.50</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 1/2 Round - Heavy Duty Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>
24x1 1/2 Round - Heavy Duty Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>
24 Round - Heavy Duty Gray Iron	<u>929.00</u>	<u>482.00</u>	<u>97.00</u>
12x12 Heavy Duty Gray Iron	<u>457.00</u>	<u>236.00</u>	<u>43.00</u>
12x18 Heavy Duty Gray Iron	<u>669.00</u>	<u>347.00</u>	<u>74.50</u>
13x18 Heavy Duty Gray Iron	<u>669.00</u>	<u>347.00</u>	<u>74.50</u>
<u>HALF-RECEIVER WITHOUT FRAME</u>			
15x29 Heavy Duty Gray Iron	<u>1125.00</u>	<u>605.00</u>	<u>115.50</u>
18x18 Heavy Duty Gray Iron	<u>819.00</u>	<u>440.00</u>	<u>90.50</u>
<u>FULL RECEIVER GRATES - WITHOUT FRAME</u>			
22x29 Heavy Duty Gray Iron	<u>1125.00</u>	<u>605.00</u>	<u>115.50</u>
* 26x26x1 1/2 Heavy Duty Gray Iron	<u>879.00</u>	<u>452.00</u>	<u>86.50</u>
<u>FULL RECEIVER GRATE - WITH FRAME</u>			
* 26x26x1 1/2 Heavy Duty Gray Iron	<u>2214.00</u>	<u>1132.00</u>	<u>192.00</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>No Quote</u>	<u>No Quote</u>	<u>No Quote</u>

* Jamestown Iron Works 164-5 or equal. (Bicycle Safe Receiver Grates)

Item No. 7b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Motion by Councilman Kulyk Seconded by Councilman Gabryszak to dispense with the reading of the names on items 8a, 8b & 8c, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

Item No. 8a Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following seasonal employees be terminated from the Recreation Department effective September 6, 1988:

RECREATION SUPERVISORS

Richard Andrzejewski
Richard Binner
Samuel Burgio
Susan Ciezak
Barbara Coia
Nancy Colucci
Julianne Conway
Mary Lou Czajka
Paul Dennis
Laila Desjardins
Maurice Desjardins
Jennifer Donnelly
Gregory Florczak
Sharon Gandy
Catherine Giles
Matthew Haberl
Brian Hansen
John Hartman
Mary Beth Hopkins
Remy Jakson
Sharon Jester
Julie Kaczorowski
Thomas Kazmierczak III
Robert Keil
Lisa Kostelny
Jenny Krier
Timothy Kronenwetter
Mark Kryszczak
Nancy Kubiak
Kevin Kuehmeier
Michelle Kunkel
Christopher Luksch
Barbara Majchrzak
James Mazurek
Pamela Miller
Joelle Miranda
Lisa Miranda
Caren Morella
Sue Mulcahy

Item No. 8a Cont'd.

Item No. 8a Cont'd.

RECREATION SUPERVISORS, CONTINUED

Elaine Myszka
Donald Nowak, Jr.
Beverly Nowicki
Peter Odrobina
Kimberly Ann Orschek
Constance Paxton
Amy Prindiville
Norine Reichert
Bernard Ruda
Barbara Rusin
Mark Rzemek
Michael Sacilowski
Jeffrey Schneider
Roy Schneiderman
Marjorie Schultz
Amy Skretny
John Smyczynski
Eric Solberg
Karen Stamp
Lynn Staszak
Cathy Tom
Colleen Tonsoline
Philip Tripi
Nadine Verga
Corinne Wirth
Colleen Witucki
Timothy Wrotny
Kristen Zimmerman

RECREATION ATTENDANTS

Heidi Arendt
Nina Baldyga
Brenda Besl
Keith Bova
Deborah Braniecki
Michele Brown
Nadine Bucolo
Kathleen Campbell
Robert Cenkner
James Choinski
Carol Ciepiela
Lisa Ciepiela
Domenica Cimato
Ronald Cyrankowski
John Cywinski
Philip Dettelis
Catherine Esford
Christopher Fitch
Rosalie Ann Folts
Jomark Garbatowicz
Maureen Giambelluca
Lori Gill
Gregory Halter
Kenneth Hangen
Faye Hertel
Scott Homac
Heather Hunneshagen
Kathy Ickowski
Ann Marie Jakubowski
Tina Kaczorowski
Sharon Kasprzak
Michael Kennuth
Caryl Kist
Scott Klein

Item No. 8a Cont'd.

RECREATION ATTENDANTS, CONTINUED

Dawn Kopacz
Susan Kusmierczyk
Dawnmarie Leister
Gregory Loucks
Karl Mackowiak
Kathleen Majchrzak
Thomas Minorczyk
Amy Nelson
Thomas O'Donnell
Anthony Orzel
Michael Ostempowski
Joseph Palmer, Jr.
Michele Patterson
Jerome Pazderski
David Pyc
David Roehmholdt
John Russ
Tracy Ryan
Michael Ryszka
Andrea Rzeski
Carol Schindler
Susan Schuhmacher
Marypat Speyer
Kelly Szwajkos
Jeffrey Szyklinski
Janine Urbanski
Rachael Walter
Rachelle Wisemen
Magdalena Wnuk
Jeffrey Zandrowicz
John Zeis

LIFEGUARDS

Charles Ashton
Melissa Bialkowski
Kathleen Bobeck
Gregory Burke, Jr.
Christopher Cegielski
Jodi Colognino
Christine Conley
Shannon Conners
Lisa Cook
Gregory Czarnecki
Lisa D'Amico
Elizabeth Gagola
Norman Galenski, Jr.
Patrick Glasser
Ann Gorski
Lisa Grace
Kurt Hansen
Deborah Hartman
Pamela Heath
Keith Hopkins
Jacqueline Houser
Christopher Kemp
Jennifer Kemp
Douglas Kenjockety II
William Kolasa
Carl Kolasny
Jacqueline Lang
Sandra Large
Robert Limpert
Mark Lipowski
Michelle McFarland

Item No. 8a Cont'd.
LIFEGUARDS, CONTINUED

Kathleen Measer
Michael Minotti
Rebecca Okoniewski
Mark Olieman
Paul Owens, Jr.
Edward Pawlowski
Frederick Piwko
Liane Raczkowski
Roger Rebman, Jr.
Todd Roland
Kristin Selmensberger
Denise Szalasny
Julie Szalasny
Dale Taglienti
Laurie Tarapata
Denise Tasca
Greg Zyla

BASKET CHECKERS

Timothy Anderson
Beth Ciesielski
Steven Cuedek
Vicki Ferdinand
Timothy Gast
Gordon Gracie
Jacquelyn Jablonski
Kerry Kolbert
Kolleen Kolbert
Laurie Kremblas
Rosemarie Kurz
Andrea Nietopski
Jill O'Rawe
James Osinski
Kim Philipps
Joelle Roland
James Schreiner, Jr.
Barbara Schwab
Cheri Seiler
Linda Skowron
Sheila Smith
Michael Stachura
Kathy Szymanski
Brian Tokarczyk

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following Seasonal and/or Part-time Employees
be and hereby are terminated in the various Departments listed:

CENTRAL GARAGE
Scott Udave

EFFECTIVE
Immediately

FACILITIES DEPARTMENT
Joseph Lenartowicz
Mark Meszkotowicz
Dean Lauber
Timothy Przepiora
Michael Niezgoda

8/25/88
9/02/88
8/20/88
9/2/88
8/26/88

Item No. 8b Cont'd.

TOWN CLERK'S OFFICE

Amy Meyers	Immediately
Elizabeth Chrzonowski	Immediately
Donna Gannon	Immediately
Andrew Kucharski	Immediately
Tracy Krawczyk	9/2/88
Kara Jean Jeffords	8/26/88
Lou Ann Aepelbacher	8/26/88
Paula Ciminelli	9/2/88
Kelly Jeffords	8/25/88
Mary Love	Immediately
Susan Bochinski	9/2/88
Korri Ann Kaminski	9/1/88
Thomas Bollman	Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8c Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be terminated from the Cheektowaga Conservation Corps effective immediately:

Trainee Supervisors (7310.1811)

Christopher Kowalewski
Alan Miano
Larry Osswald
Richard Musielak, Jr.

Youth Leaders (7310.1812)

Krista Bull
John Budzynski
Peggy Hellenbach
Jeff Kowalewski
Michael Wojtkowiak

New York State Conservation Corps (NYSCC) - Supervisor
James Hornung

New York State Conservation Corps (NYSCC) - Youth Leader
Martin Augustyniak

New York State Conservation Corps Summer Trainees

Jennifer Jarnot
Adam Chojnacki
John Rogowski
Jennifer Jablonski
Tracy Gielinski
Susan Boyle
Dennis Smith
Jamie Kalstek
Joelle Kornecki

Alternates - New York State Conservation Corps or
Cheektowaga Conservation Corps

William Reidy
Sam Villafranca
James Rogowski

Alternates - New York State Conservation Corps

Kirk Wilde
Brian Tokarczyk

Item No. 8c Cont'd.

Cheektowaga Conservation Corps - Summer Trainees (7310.1812)

Jim Demler
Mark Syzdek
Kirk Koenig
Jason Berardi
Keith Beaver
Robert Mallak
Nicole Gabrielli
Jeffrey Keller
Mark Bucolo
Anthony Kennedy
Robert Ziembiec
Paul Heary
Edward Kwiatkowski
Chris Schneider
Rich Zydel
James Saemenes
Kenneth Siller
Lorraine Jones
Martin Sypniewski
William Levy
Peter Zglinicki
Joseph Leonarczyk
Stephen Hunneshagen
Paul Czaja
Charles Off
Keith Gawronski
April Amadore
Sean Ollilia
Ernest Kiefer
Kris Carrick
Charles Kuznicki
Mike Jaskier
Matt Keefe
Scott Simon
Michael Miller
Dave Lupejkis
Kevin Robinson
Kevin Wisniewski
Todd Skobjak
Craig Piotrowski

BE IT FURTHER RESOLVED that Karen M. Kuerzdoerfer be terminated as an Administrative Intern (7310.1804) due to her acceptance of other employment.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 9a Motion by Supervisor Swiatek Seconded by Councilman Kulyk

WHEREAS, the Town previously created and the County Personnel Department approved the creation of the position of Coordinator of Employee Relations, and

WHEREAS, such position was duly advertised, and

WHEREAS, the Personnel Committee of the Town reviewed applications received for such position, and

WHEREAS, this Town Board interviewed applicants for such position, and

WHEREAS, Bruce Fenwick applied for such position, meets all of the requirements for such position and has been recommended for appointment to such

Item No. 9a Cont'd.
position, NOW, THEREFORE, BE IT

RESOLVED that Bruce Fenwick, Amherst, New York 14051
be and hereby is appointed to the position of Coordinator of Employee Relations,
effective immediately, at an annual salary of \$35,000.00, AND, BE IT FURTHER

RESOLVED that, in compliance with the Local Law known as Residency Law,
Bruce Fenwick be and hereby is ordered to obtain residency within the Town of
Cheektowaga within 6 months from the date of this resolution.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Kulyk to amend
the above resolution by adding three paragraphs, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Supervisor Swiatek Seconded by Councilman Kulyk

WHEREAS, the Town previously created and the County Personnel Department
approved the creation of the position of Coordinator of Employee Relations, and

WHEREAS, such position was duly advertised, and

WHEREAS, the Personnel Committee of the Town reviewed applications
received for such position, and

WHEREAS, this Town Board interviewed applicants for such position, and

WHEREAS, Bruce Fenwick applied for such position, meets all of the
requirements for such position and has been recommended for appointment to such
position, NOW, THEREFORE, BE IT

RESOLVED that, pursuant to paragraph 7 of the Residency Law of the Town
of Cheektowaga, this Town Board has determined that by reason of special skills,
aptitude and expertise an appropriate appointment cannot be made to fill the posi-
tion of Coordinator of Employee Relations with a domiciliary in the Town of
Cheektowaga, AND, BE IT FURTHER

RESOLVED that the position of Coordinator of Employee Relations be and
hereby is declared exempt from the restrictions contained in the said Residency
Law, AND, BE IT FURTHER

RESOLVED that the aforesaid declaration and exemption shall con-tinue in
full force and effect for six (6) months, but not thereafter, AND, BE IT FURTHER

RESOLVED that Bruce Fenwick, Amherst, New York 14051
be and hereby is appointed to the position of Coordinator of Employee Relations,
effective immediately, at an annual salary of \$35,000.00, AND, BE IT FURTHER

RESOLVED that, in compliance with the Local Law known as Residency Law,
Bruce Fenwick be and hereby is ordered to obtain residency within the Town of
Cheektowaga within 6 months from the date of this resolution.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
and Solecki
NAYES: 0
ABSTAINED: Councilman Kazukiewicz
ABSENT: 0

Item No. 9b Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz

WHEREAS, Joseph Wisniewski has been unable to perform his duties in the Sewer Maintenance Department due to partial disability, and

WHEREAS, under Article 27 of our current bargaining agreement, the Town shall make every effort to place an employee in a job which he is able to perform, and

WHEREAS, a temporary vacancy is available in the Sanitation Department due to the long-term disability of Michael Wodowski, NOW, THEREFORE, BE IT

RESOLVED that Joseph Wisniewski be and hereby is appointed Laborer (Temporary) in the Sanitation Department at a salary in accordance with the the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10 Hiring of seasonal/part-time employees in various departments.
This item was withdrawn.

Item No. 11 Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, by resolution dated April 18, 1988, Oliada F. Nowicki was appointed to the Temporary position of Senior Clerk Typist in the Town Clerk's Office due to the sick leave of Sharon A. Styborski, the permanent employee in that position, and

WHEREAS, Sharon A. Styborski has returned to her permanent position of Senior Clerk Typist in the Town Clerk's Office, NOW, THEREFORE, BE IT

RESOLVED that Oliada F. Nowicki be returned to her former position of Clerk Stenographer in the Town Clerk's Office, effective August 1, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, by resolution dated July 18, 1988, this Town Board terminated Thomas Trzaska, Motor Equipment Operator in the Sanitation Department, and

WHEREAS, Mr. Trzaska received simultaneous approval from his physician to return to work beginning September 5, 1988, NOW, THEREFORE, BE IT

RESOLVED that the resolution dated July 18, 1988 terminating Thomas Trzaska be and hereby is rescinded, AND, BE IT FURTHER

RESOLVED that Thomas Trzaska be and hereby is authorized to return to his position as MEO-B in the Sanitation Department, at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga, and the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, Richard R. Basher, an employee in the Central Garage Department has applied for a Military Leave of Absence from September 10,, 1988 through September 24, 1988, and his order to report for Military duty has been forward to the Town Clerk, and

WHEREAS, Section 242 of the Military Law of the State of New York, allows a military leave of absence 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 said, Military Leave duty, NOW, THEREFORE, BE IT

RESOLVED that Richard R. Basher, am employee in the Central Garage is granted a military leave of absence from September 10, 1988 through September 24, 1988, and BE IT FURTHER

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

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, by resolution dated August 15, 1988 James Budowski, Automobile Mechanic in the Central Garage had requested extended sick leave payments for a period of fifteen days, and

WHEREAS, said employee, James Budowski, has informed Central Garage Foreman, Richard Koszuta, he does not require the extended sick leave, NOW, THEREFORE, BE IT

RESOLVED that said resolution dated August 15, 1988 for such extended sick leave be rescinded.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

WHEREAS, a continuing Judicial Education Program will be held at Nevelee in Ellenville, NY, from October 2nd to October 5th, and

WHEREAS, Basic and Advanced certification courses will 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 Justice John V. Rogowski be and hereby is authorized to attend said Judicial Education program at the Nevelee from October 2nd to October 5, 1988, AND, BE IT FURTHER

RESOLVED that his travel and other actual and necessary expenses to attend said program be reimbursed by the Town, and, BE IT FURTHER

RESOLVED that he be authorized to use a town vehicle, if available, for transportation to and from said program.

Item No. 15a Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

WHEREAS, the Office of Court Administration will sponsor a three-day seminar from October 2nd to October 5, 1988, for Town and Village court Clerks at the Fallsvew 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 small claims 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, Florence Walentynowicz and Thomas Kolbert be and hereby are authorized to attend said seminar at the Fallsvew, 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.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15c Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, the First Annual Hazardous Materials Emergency Response Conference will be held in Tulsa, Oklahoma from September 22 - 25, 1988,, and

WHEREAS, the Town's Disaster Coordinator, Earl Loder, has requested permission to attend this conference, and

WHEREAS, such conference will provide the Town Disaster Coordinator with information on new technology and equipment, the latest government regulations and up-to-date procedures for dealing with hazardous materials problems, and

WHEREAS, one-half of the estimated \$675.00 cost for the conference, travel, hotel and meals will be paid by the State Emergency Management Office, NOW, THEREFORE, BE IT

RESOLVED that Earl Loder be and hereby is authorized to attend the aforementioned conference from September 22-25, 1988, and BE IT FURTHER

RESOLVED expenses for such conference, etc. for a maximum of \$350.00 shall be reimbursed to Mr. Loder from the budget line item number 01-001910-4-0-4081-001.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15d Motion by Councilman Jaworowicz Seconded by Councilman Solecki

WHEREAS, the Oneida County Sheriff's Department is sponsoring a Mounted Police Seminar on September 9th and 10th, 1988 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 V.I.P. Protection, Field Operations, Scenarios and Formations, and

WHEREAS, there is no cost for such seminar, NOW, THEREFORE, BE IT

RESOLVED that the following officers be and hereby are authorized to attend the aforementioned Mounted Police Seminar:

Thomas Wentland
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 officers for the cost of their lodging while at the seminar and fees for tolls and fuel not to exceed a total of \$150.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15e Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau, as a recipient of a New York State Office of Parks, Recreation and Historic Preservation Grant, has conducted the New York State Conservation Corps (NYSCC) Program for the summer of 1988, and

WHEREAS, a wrap up and evaluation of this summer's program will be conducted on Wednesday, September 14th at Saratoga State Park, BE IT

RESOLVED that Rob Off, Program Coordinator,, be authorized to attend said session, and BE IT FURTHER

RESOLVED that all necessary travel expenses be reimbursed.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Solecki Seconded by Councilman Gabryszak

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

WHEREAS, in addition, the Town Assessor has recommended the retention of Mr. Sacco for advice and representation on pending assessment proceedings,

Item No. 16 Cont'd.

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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17a Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga, by resolution on February 1, 1988 adopted a Five Year Capital Planning process, and

WHEREAS, the Town Board has engaged in numerous meetings with various elected officials, department heads and consultants, and

WHEREAS, a public hearing was held on August 3, 1988 for the purpose of obtaining public input, and

WHEREAS, a Five Year Capital Plan will provide direction to the Town Board by producing an up-to-date listing of potential capital projects, and

WHEREAS, the funding for any specific project will be dependent upon various factors including: availability of grants, tax base increases, growth in unappropriated surplus, budget requests, citizen demands, productivity savings, new revenue sources, increases in sales taxes, bonding markets and increases in per-capita aid, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, adopt the attached Five Year Capital Plan as a guide to future action.

* * * * *

Motion by Councilman Johnson Seconded by Councilman Solecki to amend the above resolution,, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga, by resolution on February 1, 1988 adopted a Five Year Capital Planning process, and

WHEREAS, the Town Board has engaged in numerous meetings with various elected officials, department heads and consultants, and

WHEREAS, a public hearing was held on August 3, 1988 for the purpose of obtaining public input, and

WHEREAS, a Five Year Capital Plan will provide direction to the Town Board by producing an up-to-date listing of potential capital projects, and

Item No. 17a Cont'd.

WHEREAS, the funding for any specific project will be dependent upon various factors including: availability of grants, tax base increases, growth in unappropriated surplus, budget requests, citizen demands, productivity savings, new revenue sources, increases in sales taxes, bonding markets and increases in per-capita aid, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, adopt the attached Five Year Capital Plan as a guide to future action, and

BE IT FURTHER RESOLVED, that the following changes be made to the Five Year Capital Plan:

1. \$280,000 - Mafalda/Fontaine/Nadine - 1988-89
2. Phase I - \$42,000 - Commodore/Mapleview - 1989 Budgeting
3. \$20,000 - Kensington/Kenview - 1990 - Upgrade Traffic Light
4. \$115,000 - Huth Road Drainage II - 1990
5. Delete Pond - Stiglmeier Park - \$360,000

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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

RESOLVED by the Town Board of the Town of Cheektowaga, that Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all Town officers in disposing of Town government records listed therein, and BE IT FURTHER

RESOLVED that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established time periods.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

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

WHEREAS, this Town Board authorized the construction of the U-Crest South Drainage System for which bids were received on August 4, 1988, and

WHEREAS, four (4) easements are required in order to proceed with this project, NOW, THEREFORE, BE IT

RESOLVED that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated August 30, 1988 for the preparation of maps and descriptions of said easements 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., and, BE IT FURTHER

RESOLVED that the cost in the amount of \$1,200.00 for the preparation of easement maps and descriptions is to be charged to Capital Fund Account

Item No. 18a Cont'd.

#05-8709-8120-0300.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 18b Motion by Councilman Solecki Seconded by Councilman Johnson

BE IT RESOLVED, that Losson Park Village Subdivision be and hereby is accepted subject to:

1. the terms, conditions and/or limitations specified in the attached letter dated August 30, 1988 from the Town Superintendent of Highways; and

2. the reservation to this Town Board of the right to regulate the number of two-family dwellings and/or specify the location of two-family dwellings within such subdivision.

*SEE NEXT PAGE TWO PAGES FOR COPY OF LETTER FROM HIGHWAY SUPERINTENDENT

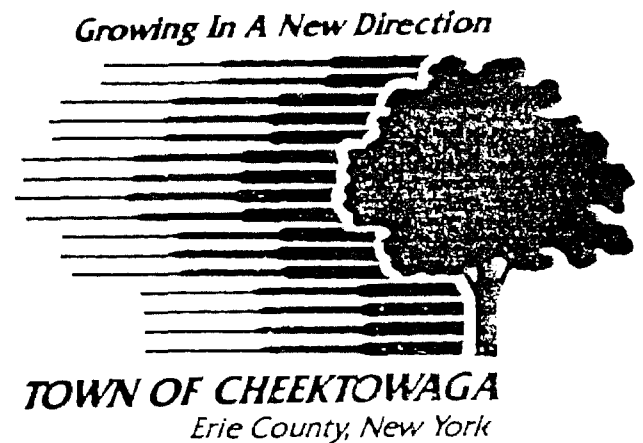
CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, N. Y. 14227-1083
(716) 686-3450
Mobile: 863-5867

RECEIVED

1988 AUG 31 PM 2: 49

CHEEKTOWAGA
TOWN CLERK



August 30, 1988

Honorable Supervisor F. Swiatek
Honorable Town Board Members
Town of Cheektowaga, NY 14227

Honorable Councillors:

RE: APPROVAL OF PLANS-LOSSON PARK VILLAGE SUBDIVISION
125 LOTS

Mr. C. L. Bryan, Town Engineer, Mr. T.R. Skowron, Highway Department Engineer and I have reviewed the plans for the Losson Park Village Subdivision and find that they conform to the current specifications of the Town of Cheektowaga, including:

1. A properly designed storm sewer system with required pipe & sizes thereof, as well as proper appurtenances as specified on detail sheets. Design data has been submitted and reviewed.
2. Road construction will conform to current highway specifications, as shown on the construction plans.
3. Tree planting is a requirement of the Town of Cheektowaga Highway and Building Inspections Department.
4. Public Improvement Permit fees will be used to hire an engineer for inspection during all phases of construction. Such inspection shall be coordinated with the Superintendent of Highways.
5. Lot grading and subdivision lot balancing must be acceptable to the Town Engineer and Building Inspector as condition to acceptance of Town highways.

con't.

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

p. 2
8/30/88

Approval of Plans-Losson Park Village Subdivision (125 lots)

The roads in this subdivision are briefly described as follows:

Towers Blvd.: A 70' R.O.W., ±1903' in length, fronting sublots 1-22, 56-73 and 122.

Park Trail: A 60'w. R.O.W., ±1134' in length, fronting sublots 74-106.

Whitney Pl.: A 60'w. R.O.W., ±2520' in length, fronting sublots 20-57, 73 & 74, 106-121, 90 & 91.

Thomas Dr.: A 60'w. R.O.W., ±194' in length, fronting sublots 41 & 42.

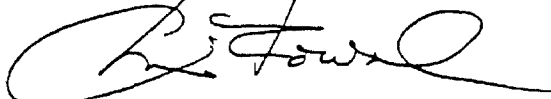
Also sublots 122-125, inc., fronting on an already existing Losson Rd. (County Highway).

No building permits are to be issued until after the deed and bond are properly filed and recorded. Building permits should specify tree planting.

It is my understanding that this subdivision will be constructed in phases. Phasing must be acceptable to all town departments.

The plans as currently submitted to the town, are acceptable and meet all conditions for approval. I, therefore, recommend such approval.

Very truly yours,



Christopher J. Kowal
Superintendent of Highways

ji

cc: Town Attorney
Town Engineer
Town Clerk
Building Inspector

Item No. 18b Cont'd.

* * * * *

Motion by Councilman Johnson Seconded by Councilman Gabryszak to amend the above resolution by amending the letter of the Town Superintendent of Highways to include more stipulations in Item No. 4, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Motion by Councilman Swiatek seconded by Councilman Johnson

BE IT RESOLVED, that Losson Park Village Subdivision be and hereby is accepted subject to:

1. the terms, conditions and/or limitations specified in the attached letter dated August 30, 1988 from the Town Superintendent of Highways; and
2. the reservation to this Town Board of the right to regulate the number of two-family dwellings and/or specify the location of two-family dwellings within such subdivision.

*SEE NEXT TWO PAGES FOR AMENDED VERSION OF HIGHWAY SUPERINTENDENT'S LETTER

CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

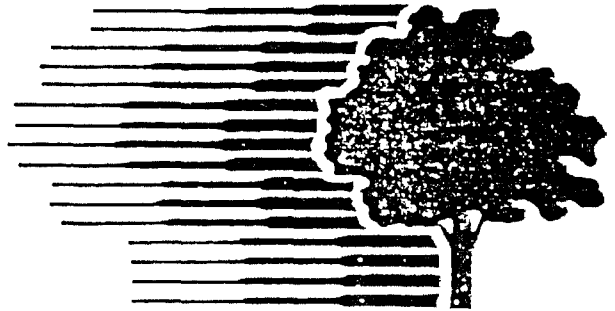
HIGHWAY DEPARTMENT
3145 Union Road
Cheektowaga, N. Y. 14227-1083
(716) 686-3450
Mobile: 863-5867

RECEIVED

1988 AUG 31 PM 2:49

CHEEKTOWAGA
TOWN CLERK

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

August 30, 1988

Honorable Supervisor F. Swiatek
Honorable Town Board Members
Town of Cheektowaga, NY 14227

Honorable Councillors:

RE: APPROVAL OF PLANS-LOSSON PARK VILLAGE SUBDIVISION
125 LOTS

Mr. C. L. Bryan, Town Engineer, Mr. T.R. Skowron, Highway Department Engineer and I have reviewed the plans for the Losson Park Village Subdivision and find that they conform to the current specifications of the Town of Cheektowaga, including:

1. A properly designed storm sewer system with required pipe & sizes thereof, as well as proper appurtenances as specified on detail sheets. Design data has been submitted and reviewed.
2. Road construction will conform to current highway specifications, as shown on the construction plans.
3. Tree planting is a requirement of the Town of Cheektowaga Highway and Building Inspections Department.
4. Public Improvement Permit fees will be used to hire an engineer for inspection during all phases of construction. Such inspection shall be coordinated with the Superintendent of Highways.
5. Lot grading and subdivision lot balancing must be acceptable to the Town Engineer and Building Inspector as condition to acceptance of Town highways.

con't.

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

p. 2

8/30/88

Approval of Plans-Losson Park Village Subdivision (125 lots)

The roads in this subdivision are briefly described as follows:

Towers Blvd.: A 70' R.O.W., ±1903' in length, fronting sublots 1-22, 56-73 and 122.

Park Trail: A 60'w. R.O.W., ±1134' in length, fronting sublots 74-106.

Whitney Pl.: A 60'w. R.O.W., ±2520' in length, fronting sublots 20-57, 73 & 74, 106-121, 90 & 91.

Thomas Dr.: A 60'w. R.O.W., ±194' in length, fronting sublots 41 & 42.

Also sublots 122-125, inc., fronting on an already existing Losson Rd. (County Highway).

No building permits are to be issued until after the deed and bond are properly filed and recorded. Building permits should specify tree planting.

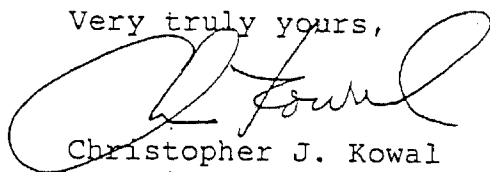
It is my understanding that this subdivision will be constructed in phases. Phasing must be acceptable to all town departments.

Public improvement permit fees shall be used to hire an engineer for the purpose of inspections during all phases of construction, and be it further

Resolved that, if and when such public improvement permit fees are exhausted then any further reasonable fees of such engineer shall be paid by contributions made by the developer.

The plans as currently submitted to the town, are acceptable and meet all conditions for approval. I, therefore, recommend such approval.

Very truly yours,



Christopher J. Kowal
Superintendent of Highways

ji

cc: Town Attorney
Town Engineer
Town Clerk
Building Inspector

Item No. 18b Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Cheektowaga Youth Board was created for the purpose of planning, coordinating and developing youth programs under New York State Executive Law, and

WHEREAS, the New York State Division of Youth has requested that the term Youth Bureau be utilized instead of Youth Board as the official title for the legal entity eligible to receive state aid for youth programs, ~~BE~~ IT

RESOLVED that the Town Board of the Town of Cheektowaga hereby recognize the intent of the original resolution to create the Cheektowaga Youth Bureau as the official agency eligible to receive state youth funds for the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, a petition has been duly presented to this Town Board, pursuant to Section 200 of the town Law of the State of New York, for the construction of "a street improvement consisting of new roadway 1,270 feet long and 30 feet wide with flexible pavement, concrete curbing, storm drainage, water lines and sewer lines" on a parcel of real property fronting on the south side of Broadway between Harlem Road and Wallace Avenue in the Town of Cheektowaga, New York which property is more particularly described on the attached legal description, and

WHEREAS, it appears that the petitioner is the only owner of the property except for 7.9 acres which was conveyed to the Erie County Industrial Development Agency and leased back to the petitioner; and upon construction of the proposed street improvement, the petitioner will be the owner of the entire frontage on both sides of said street, there being no resident owners who will own any frontage along such proposed street improvement, and

WHEREAS, the maximum amount proposed to be expended for the improvement described in the petition is \$450,000, and

WHEREAS, pursuant to subdivision 7 of section 200 of the town Law, this Town Board, by resolution dated July 5, 1988, called for and had a public hearing on July 18, 1988 for the purpose of considering the aforementioned petition and all persons interested in the subject thereof were heard, and

WHEREAS, the Environmental Advisory Committee of the Town, pursuant to SEQRA, has reviewed such petition, along with other interested and involved governmental agencies, and has determined that approval of such petition by the town will not have a significant effect on the environment provided the stipulations mentioned in its memo dated August 30, 1988 (see attached) are complied with,

NOW, THEREFORE, ~~BE~~ IT RESOLVED, that the Petition for the construction of the aforementioned street improvement be and hereby is determined non-significant under SEQRA and is approved subject to the following conditions:

1. compliance with conditions recommended by the Environmental Advisory Committee
2. compliance with conditions requested by the NYSDEC, NYSDOT and the County DEP,

Item No. 20 Cont'd.

and, BE IT FURTHER

RESOLVED that the expense of the aforementioned street improvement shall be assessed against the real property described in the attached legal description on an acreage basis based on the benefit conferred on such property.

*SEE NEXT FOUR (4) PAGES FOR COPY OF LEGAL DESCRIPTION AND MEMO FROM ENVIRONMENTAL ADVISORY COMMITTEE

PARCEL 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. 23, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the south line of Broadway, at the northeast corner of lands conveyed to Simon Puffer by deed recorded in Erie County Clerk's Office in Liber 35 of Deeds at page 316; thence southerly along the east line of Puffer's land, nine hundred one and three hundredths (901.03) feet to the northwest corner of lands conveyed to the International Railway Company by deed recorded in said Clerk's Office in Liber 1364 of Deeds at page 127; thence easterly along the north line of said Railroad, seven hundred sixty-six (766) feet more or less to the northeast corner of said lands, said point being on the west line of lands shown on Map filed in said Clerk's Office under Cover No. 1185; thence northerly along the west line of lands shown on Map filed in said Clerk's Office under Cover No. 1185, one thousand seven and fifty-four hundredths (1007.54) feet to the south line of Broadway; thence westerly along the south line of Broadway, seven hundred seventy-five and five tenths (775.5) feet to the point of beginning.

PARCEL B

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

Beginning at a point in the east line of lands conveyed to Simon Puffer by deed recorded in Erie County Clerk's Office in Liber 35 of Deeds at page 316, distant nine hundred one and three hundredths (901.03) feet southerly from the south line of Broadway; thence southerly along the east line of said Puffer's land, sixty-six and four hundredths (66.04) feet; thence N 87° 32' E, seven hundred sixty-six (766) feet more or less to a point in the west line of lands shown on Map filed in said Clerk's Office under Cover No. 1185; thence northerly along said west line, sixty-six and four hundredths (66.04) feet; thence S 87° 32' W, seven hundred sixty-six (766) feet to the point of beginning.

PARCEL C

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

Beginning at a point in the east line of lands conveyed to Simon Puffer by deed recorded in Erie County Clerk's Office in Liber 35 of Deeds at page 316, distant nine hundred sixty-seven and seven hundredths (967.07) feet southerly from the south line of Broadway, said point being the southwest corner of lands conveyed to the International Railway Company by deed recorded in said Clerk's Office in Liber 1364 of Deeds at page 127; thence easterly along the south line of said Railroad, seven hundred sixty-six (766) feet more or less to a point in the east line of lands shown on Map filed in said Clerk's Office under Cover No. 1185; thence southerly parallel with the east line of Puffer's lands as aforesaid, seven hundred forty-two and seventy-four hundredths (742.74) feet more or less to the south line of lands conveyed to Victor Reinstein by deed recorded in said Clerk's Office in Liber 1520 of Deeds at page 412; thence westerly along the south line of Reinstein's lands, three hundred thirty-two (332) feet more or less to the southeast corner of lands conveyed to Eugene Tayntor by deed recorded in said Clerk's Office in Liber 7432 of Deeds at page 73; thence northerly along the east line of lands conveyed to said Tayntor as aforesaid and by deeds recorded in said Clerk's Office in Liber 7628 of Deeds at page 535 and in Liber 8381 of Deeds at page 325, two hundred (200) feet to the northeast corner of lands conveyed by deed recorded in said Clerk's Office in Liber 8381 of Deeds at page 325; thence westerly along the north line of lands conveyed by deed recorded in said Clerk's Office in Liber 8381 of Deeds at page 325, four hundred twenty and eighty-three hundredths (420.83) feet to the east line of lands conveyed to Simon Puffer as aforesaid; thence northerly along the east line of Puffer's lands, five hundred eleven and ninety-seven hundredths (511.97) feet to the point of beginning.

PARCEL D

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

Beginning at a point in the west line of Wallace Avenue at the north line of lands conveyed to the International Railway Company by deed recorded in Erie County Clerk's Office in Liber 1661 of Deeds at page 478; thence westerly along the north line of said Railroad, one hundred ten and twelve hundredths (110.12) feet to a point in the west line of lands shown on Map filed in said Clerk's Office under Cover No. 1185; thence southerly along the west line of lands shown on Map filed in said Clerk's Office under Cover No. 1185, sixty-six and six hundredths (66.06) feet to the south line of lands conveyed to the International Railway Company as aforesaid; thence easterly along the south line of said Railroad, one hundred ten and twelve hundredths (110.12) feet to a point in the west line of Wallace Avenue; thence northerly along the west line of Wallace Avenue, sixty-six and six hundredths (66.06) feet to the point of beginning.

PARCEL E

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

Beginning at the northwest corner of Subdivision Lot No. 11 as shown on Map filed in Erie County Clerk's Office under Cover No. 337; thence southerly along the west line of said Subdivision Lot No. 11 to the north line of Subdivision Lot No. 15 as shown on said Subdivision Map; thence westerly along the north line of Subdivision Lots Nos. 15 to 26 inclusive according to Map filed in said Clerk's Office under Cover No. 337 to the northwest corner of Subdivision Lot No. 26; thence northerly, thirty and twenty-eight hundredths (30.28) feet to the north line of lands shown on Map filed in said Clerk's Office under Cover No. 337; thence easterly along the north line of said Map filed in said Clerk's Office under Cover No. 337 to the northwest corner of Subdivision Lot No. 11 at the point of beginning.

PARCEL F

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. 23, Township 11, Range 7 of the Holland Land Company's Survey and according to Map filed in Erie County Clerk's Office under Cover No. 337, is known as Subdivision Lots Numbers twenty-five (25) and twenty-six (26).

OFFICE OF
BUILDING & PLUMBING INSPECTIONS



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 Frank Swiatek
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: August 30, 1988

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 26, 1988, in the Town Hall Council Chambers.

ITEM I 2501 Broadway between - Proposed 28.75 Acre
 Harlem & Wallace Industrial Park

Applicant: New Erie Industrial Center

Determination: Non-Significant With Stipulations -
This item had been before the Committee previously and had been tabled to await replies of other agencies and to have the applicant further discuss his proposal with the Engineering and Highway Departments. One of the original objections was the changing standards for highway construction. The recommendations are that the highway right-of-way be 60 ft. in width but that the useable road be increased to 34 ft. in width and be constructed with geo-textile fabric. The cul-de-sac must be sized for the type of trucks utilizing the road. Landscaping must be installed along the East line subject to Planning Board approval. The drainage basin located at the Southeast corner of this Industrial Center must be kept a distance of twenty-five (25) ft. from the rear property lines of the Wallace Avenue homes and it is understood the owner will be responsible for maintenance of the basin and on-site drainage system.

Item No. 20 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21a Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga currently participates as an entitlement community in the U.S. Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, the application for receipt of Community Development Block Grant funds requires the preparation of a Housing Assistance Plan, and

WHEREAS, the Town Housing Assistance Plan proposes using Section 312 funds for housing rehabilitation, and

WHEREAS, Section 312 funds can supplement the availability of Community Development Block Grant housing rehabilitation funds and concurrently assist the Town meet its Housing Assistance Plan goals, and

WHEREAS, Section 312 rehabilitation funds will increase and improve the availability and quality of housing for eligible Town residents, NOW, THEREFORE, BE IT

RESOLVED that the Town Supervisor be and hereby is authorized to submit requests to the Department of Housing and Urban Development for Section 312 Loan Program funding for housing rehabilitation of owner-occupied and rental units, and BE IT

FURTHER RESOLVED that the Supervisor is authorized to establish a bank account and institute administrative procedures for the receipt and disbursement of said Section 312 funds through the Town Accounting Department, and BE IT

FURTHER RESOLVED that the Town Community Development Office e and hereby is authorized to prepare documents and establish those procedures necessary for the receipt and processing of applications and implementations of the Section 312 Program per applicable Federal regulations.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 21b Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, an element of the Town's overall economic development strategy is the development of a 50 acre parcel of land as a Town industrial park south of Walden Avenue, and

WHEREAS, the town has negotiated the purchase of said site, identified as SBL numbers 101.04-1-1.1 and 101.60-8-10.1, from the County of Erie, and

WHEREAS, prior to acquisition, environmental testing should be conducted to ensure that the site is free of hazardous materials,, and

WHEREAS, said environmental testing and industrial park development has the support of the Economic Development Strategy Committee and the Cheektowaga Economic Development Corporation, and

WHEREAS, it has been determined that the cost of said testing is an eligible planning expense under the Community Development Block Grant Program, and

Item No. 21b Cont'd.

WHEREAS, the Town's Planning consultant, Stuart Alexander and Associates, has prepared the necessary Request for Proposal, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the publication of the attached public notice in the Buffalo News and the Buffalo Criterion seeking proposals for the environmental testing of the 50 acre Walden Avenue site previously identified.

* * * * *

NOTICE

Request for Proposals for Environmental Testing

The Town of Cheektowaga is seeking proposals from qualified environmental engineering firms to conduct an Environmental Study on a 50 plus or minus acre parcel of land in the Town. the study objectives, project description and scope of services are fully described in a Request for Proposal which may be obtained from the Cheektowaga Office of Community Development, 3719 Union Road - Suite 218, Cheektowaga, New York, 14225, between the hours of 9:00 A.M. and 5:30 P.M. on regular business days. Sealed proposals must be submitted no later than 4:30 P.M., September 27, 1988 to the Community Development Office.

The contract will be funded with Federal Community Development funds. The firm selected will be required to comply with the President's Executive Order 11246 and Section 3 requirements.

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVITS - NEXT TWO PAGES

NOTICE
Request for
Proposals for
Environmental Testing
The Town of Cheektowaga is seeking proposals from qualified environmental engineering firms to conduct an Environmental Study on a 50+ acre parcel of land in the Town. The study objectives, project description and scope of services are fully described in a Request for Proposal which may be obtained from the Cheektowaga Office of Community Development, 3719 Union Road, Suite 218, Cheektowaga, New York 14225, between the hours of 9:00 A.M. and 5:30 P.M. on regular business days. Sealed proposals must be submitted no later than 4:30 P.M. September 27, 1988 to the Community Development Office. The contract will be funded with Federal Community Development funds. The firm selected will be required to comply with the President's Executive Order 11746 and Section 3 requirements.

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that she/~~he~~ is Principal Clerk of 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 1 time, the insertion being on the 8 th day of September 1988

D. Eileen Perry

Sworn to before me this 9th day

of September 19 88

PAUL E. BIELMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires November 30, 1989

Paul E. Bielman
Notary Public, Erie County, N.Y.

Item No. 21c Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has previously received a grant of Rental Rehabilitation funds from the New York State Division of Housing & Community Renewal, and

WHEREAS, said funds are to be utilized for the rehabilitation of low to moderate-income rental units in the Cedargrove Heights target area in conjunction with the Town's Community Development Housing Rehabilitation Program, and

WHEREAS, applications for rehabilitation funding under said Programs have been received and reviewed by the Director of Community Development, who has recommended approval of Rental Rehabilitation and Community Development funding for the projects listed below, NOW, THEREFORE, BE IT

RESOLVED that Rental Rehabilitation Grant Funds of up to \$5,000 per unit and Community Development Loan Funds of up to \$5,000 per unit be authorized for the owners of the following properties:

Marilyn M. Janeczko/Paramajeet Malik - 12 A-D Glenwood Court

AND BE IT

FURTHER RESOLVED that the Supervisor is authorized to sign, on behalf of the Town of Cheektowaga, any loan and grant agreements and all related legal documents with the above property owners, and BE IT

FURTHER RESOLVED that the Supervisor is hereby 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 Inspectors, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Town Clerk's Office is in possession of two Election Booth trailers (i.e. #18 and #74),, which trailers are surplus to the Town Clerk's Office inventory, and

WHEREAS, the Director of the Facilities Department has requested the Town Clerk to transfer these trailers to his Department for use in Town Parks, and

WHEREAS, the Town Clerk has agreed to the transfer of such trailers to the Facilities Department, NOW, THEREFORE, BE IT

RESOLVED that the two Town-owned trailers shall be transferred to and become part of the inventory of and responsibility of the Facilities Department.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 23a Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 4347 Union Road, Cheektowaga, New York, SBL # 91.52-1-44 and according to the Assessor's Office is owned by Jean Ettelson, Williamsville, New York 14221, 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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
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 vacant property located at 156, 214, 210, 200 Dean Road and approximately 104' West of Dean Road and Airport Road Intersection, Cheektowaga, New York, SBL # 92.15-3-24 and according to the Assessor's Office is owned by the County of Erie, 95 Franklin Street, 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, and

WHEREAS, the County of Erie, Department of Law, has advised the Town to perform the work needed and treat the cost as a charge back to the County on the tax rolls, NOW, THEREFORE, BE IT

RESOLVED that the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be charged back to the County of Erie on the tax rolls.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following budget transfers are hereby approved and made a part hereof:

GENERAL FUND

From:	1910.0004.4711 (Contingency)	\$ 3,600.00
	1910.0004.4711 (Contingency)	2,775.00
	1910.0004.4711 (Contingency)	30,758.00
	1450.0004.4211 (Electricity-Elections)	600.00
	3087.0000.0000 (Revenue-State Grant-Patriotic)	5,500.00
TO:	1450.0004.4551 (Elections-Moving Voting Machines)	\$ 3,600.00
	1450.0004.4342 (Elections-Polling Place Rental)	2,775.00
	1450.0004.4594 (Elections-Election Inspectors)	30,758.00
	1450.0004.4431 (Elections-Equipment Repairs)	600.00
	7550.0004.4375 (Expense-State Grant-Patriotic)	5,500.00

Item No. 24 Cont'd.

HIGHWAY FUND

From:	5110.0004.4171 (Highway-Road Oil)	\$ 1,200.00
	3501.0000.0000 (Revenue-CHIPS)	11,073.00
	5150.0004.4178 (Highway-Plant Mix)	1,162.00
To:	5140.0004.4001 (Highway-Office Supplies)	\$ 1,200.00
	5150.0004.4458 (Highway-CHIPS)	12,235.00

CAPITAL FUND

From:	9709.8120.1100 (U-Crest Drainage-Construction)	\$143,182.00
	8709.8120.1100 (U-Crest Drainage-Construction)	1,200.00
To:	8709.8120.1100 (U-Crest Drainage-Construction)	\$143,182.00
	8709.8120.0300 (U-Crest Drain.-Land Structures, Right of Ways)	1,200.00

HUD-CDBG FUND

From:	1985.0069.0770 (Housing Rehabilitation-Cheektowaga)	\$10,670.00
	1986.0090.0704 (Contingency)	10,670.00
To:	1986.0090.0704 (Contingency)	\$10,670.00
	1986.0069.0770 (Housing Rehabilitation-Cheektowaga)	10,670.00

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

Item No. 25 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to September 6th, 1988 are hereby approved and the Supervisor is ordered to pay said warrants.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$1,842,356.60
HIGHWAY FUND	662,046.18
CAPITAL FUND	855,392.66
TRUST AND AGENCY FUND	341,976.41
HUD-CDBG FUND	7,932.27
PART TOWN FUND	49,423.76
HUD RENTAL REHABILITATION FUND	1,012.50
RISK RETENTION FUND	63,993.36
DEBT SERVICE FUND	201,795.00
SPECIAL DISTRICT FUND	945,702.94
TOTAL WARRANTS	<u>\$4,971,631.68</u>

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 26 Building Permits
Received and filed.

Item No. 27 Supervisor's Statement of Funds: July 1988
Received and filed.

IV. GENERAL COMMUNICATIONS

Item No. 28 Order to Show Cause: Benderson Development Co. vs. Town of Cheektowaga
Copies of this order were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Karen McAuley, Council Secretary, and Ronald Marten, Building Inspector.
Received and filed.

Item No. 29 Notice of Claim: Sue Ann Curto vs. Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Christopher Kowal, Highway Superintendent; and Laverack & Haines, Town's Insurance Carrier.
Received and filed.

Item No. 30a Notice of Petition: Southland Corporation - 5 properties
A copy of this petition was sent to Casimir Kozminski, Assessor.
Received and filed.

Item No. 30b Notice of Petition: Stop N Go Foods, Inc.
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Item No. 30c Notice of Petition: Southland Employees Trust - 1 property
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Item No. 30d Notice of Petition: Dynamic Enterprises - 3901-3909 Genesee Street
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Item No. 30e Notice of Petition: Airport Industrial Park: 84 Aero Drive
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Item No. 30f Notice of Petition: Mary Ann Miller, Trustee for Schectman Children's Trust - 1680 Walden
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Item No. 30g Notice of Petition: Buffalo Airport Bowling Center - 3754 Genesee Street
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

Item No. 30h Notice of Petition: Arthur Gellman - 1550 - 1564 Walden Avenue
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

MEETING NO. 19
September 6, 1988

- Item No. 30i Notice of Petition: Maryvale Associates - Linda Drive (156 Unit apartment complex)
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30j Notice of Petition: Antoinette Dimino - 21 Thruway Court
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30k Notice of Petition: Richard J. Rosch - 530 Dick Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30l Notice of Petition: Richard D. Fors, Jr. & Charles J. Mund - Burger Kings - 4 locations
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30m Notice of Petition: Garden Village Investors - Garden Village Apartments
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30n Notice of Petition: Anthony Pantera - 3083 William Street
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30o Notice of Petition: Tri-Cities Rental - Various properties on French Road, So. Seine & Industrial Park
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30p Notice of Petition: Cayuga Village Associates - 2545 Union Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30q Notice of Petition: WPH Airport Associates - 4600 Genesee Street
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30r Notice of Petition: WPH Gateway Associates - 601 Dingens Street
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30s Notice of Petition: Thruway Super Duper/Supermarket Development - 2317 Harlem Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

- Item No. 30t Notice of Petition: Benenson Capital Corp. - 6350 Transit Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30u Notice of Petition: Peter J. Schmitt Co., Inc. - 620 Dick Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30v Notice of Petition: James V. Welch - 1410 French Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30w Notice of Petition: Benderson Development Co., Inc. - 3 properties
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30x Notice of Petition: Transamerica Partners III - 2195 Harlem Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30y Notice of Petition: Robert J. Bradley - 2929 Walden Avenue
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30z Notice of Petition: Gibraltar Steel Corp. - 2555 Walden Avenue
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30aa Notice of Petition: New York Telephone - 1130 French Rd., 2525
George Urban Blvd. & various other locations
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30bb Notice of Petition: Firestone Tire & Rubber Co. - 2240 Harlem Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30cc Notice of Petition: Cook Moving Systems, Inc. - 1845 Dale Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30dd Notice of Petition: RMF Holding Corp. - 3 properties
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.
- Item No. 30ee Notice of Petition: Ralph M. Fudoli - 2 properties
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

MEETING NO. 19
September 6, 1988

Item No. 30ff Notice of Petition: National City Lines - 3160 Union Road
A copy of this Petition was sent to: Casimir Kozminski, Assessor.
Received and filed.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Johnson to suspend the rules to include the following five items, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

V. SUSPENSION OF RULES

Item No. 31 Request NYSDEC and Bureau of Toxic Sampling to confirm assignment of TAGA Unit regarding measurement of air pollutants at Darling and Co.

Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the Town Board has been the recipient of numerous and repeated calls from residents in the vicinity of Darling & Company regarding odorous emissions and related health complaints, and

WHEREAS, in the interest of generating information as to the nature of such noxious emissions and their potential for toxic effects upon surrounding residents, and

WHEREAS, Town officials and Erie County Legislator Bernard Wojtkowiak have requested the assistance of the New York State Department of Environmental Conservation ("NYSDEC"), Region 9 and the Erie County Health Department regarding the nature of air pollutants emanating from the Darling & Company site as well as the impact upon the health and welfare of Town residents, and

WHEREAS, the NYSDEC, Region 9 headquarters, has requested that the New York State Bureau of Toxic Air Sampling in Albany provide the Trace Air Gas Analyzer ("TAGA") for measurement of ambient pollution downwind of the Darling facility, and

WHEREAS, we have been advised that such mobile TAGA unit may not be available until October, 1988, THEREFORE, BE IT

RESOLVED that this Town Board hereby calls upon Commissioner Thomas Jorling of the NYSDEC and Mr. Arthur Fossa of the Bureau of Toxic Air Sampling to confirm the assignment of the TAGA unit to accomplish measurements of air pollutants from Darling & Company at the earliest possible moment, and BE IT FURTHER

RESOLVED that said Assemblyman Paul Tokasz and State Senator Dale M. Volker be and hereby are requested to intercede on behalf of the Town of Cheektowaga and the Village of Sloan to expedite the requested measurements.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

MEETING NO. 19
September 6, 1988

Item No. 32 Petition the County of Erie through NFT Committee to exert all efforts in having Cleveland/Harlem/Kensington intersection improvement project moved in priority for construction in upcoming fiscal year

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has filed an application through the Niagara Frontier Transportation Committee for the improvement of the Cleveland/Harlem/Kensington intersection, which project has been assigned for construction implementation in 1991-2, and

WHEREAS, this same intersection is being utilized by the New York State Department of Transportation as part of its detour route when the inbound section of the Kensington Expressway is closed for reconstruction, and

WHEREAS, there is need to undertake the improvement of the Cleveland/Harlem/Kensington intersection at the earliest time possible, and which intersection involves two (2) busy County highways, NOW, THEREFORE, BE IT

RESOLVED that this Town Board petitions the County of Erie, through its representative on the Niagara Frontier Transportation Committee, to exert all efforts in having the Cleveland/Harlem/Kensington intersection improvement project moved in priority for construction in the upcoming fiscal year, AND, BE IT FURTHER

RESOLVED that copy of this resolution is to be sent through the Town Clerk to County Executive, Dennis Gorski and State Assemblyman, Paul Tokasz.

* * * * *

Motion by Councilman Johnson Seconded by Supervisor Swiatek to amend the above resolution by changing Harlem to Century, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
 Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* * * * *

AMENDED RESOLUTION

Item No. 32 Petition the County of Erie through NFT Committee to exert all efforts in having Cleveland/Century/Kensington intersection improvement project moved in priority for construction in upcoming fiscal year

Motion by Councilman Johnson seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has filed an application through the Niagara Frontier Transportation Committee for the improvement of the Cleveland/Century/Kensington intersection, which project has been assigned for construction implementation in 1991-2, and

WHEREAS, this same intersection is being utilized by the New York State Department of Transportation as part of its detour route when the inbound section of the Kensington Expressway is closed for reconstruction, and

WHEREAS, there is need to undertake the improvement of the Cleveland/Century/Kensington intersection at the earliest time possible, and which intersection involves two (2) busy County highways, NOW, THEREFORE, BE IT

RESOLVED that this Town Board petitions the County of Erie, through its representative on the Niagara Frontier Transportation Committee, to exert all efforts in having the Cleveland/Century/Kensington intersection improvement project moved in priority for construction in the upcoming fiscal year, AND, BE IT FURTHER

Item No. 32 Cont'd.

RESOLVED that copy of this resolution is to be sent through the Town Clerk to County Executive, Dennis Gorski and State Assemblyman, Paul Tokasz.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 33 Petition County of Erie to undertake immediate cleaning and rehabilitation of Kensington Avenue and Cleveland Drive storm sewers as well as seeking early reconstruction of Harlem Road in a higher priority designation

Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, this Town Board and the Town Highway Superintendent Christopher Kowal, desires that the Erie County Highway Department clean and rehabilitate the storm sewer systems on Cleveland Drive and Kensington Avenue, particularly from Harlem Road west, and

WHEREAS, the Town Highway Department has been cleaning and restoring the storm sewer system on Concord Drive and Treehaven Road and other roads tributary to these County highways and within the Town's storm sewer district, and

WHEREAS, considerable benefit would accrue to both County and Town drainage systems if the Harlem Road storm sewer was cleaned and rehabilitated, and

WHEREAS, this Town Board has previously memorialized the New York State Department of Transportation to accomplish said work and

WHEREAS, a major flood protection benefit would accrue through more effective drainage of Town streets if Harlem Road was reconstructed from Cleveland Drive south to Scajaquada Creek with a new storm system of adequate capacity, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests that the County of Erie undertake the immediate cleaning and rehabilitation of the Kensington Avenue and Cleveland Drive storm sewers, AND, BE IT FURTHER

RESOLVED that as a very influential representative on the Niagara Frontier Transportation Committee, the County Executive of the County of Erie, through his representative, be and hereby is requested to seek the early reconstruction of Harlem Road by seeking a higher priority designation for this project.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 34 Approval of SEQR Recommendations for 3884 Broadway

Motion by Councilman Kulyk Seconded by Councilman Johnson

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

Item No. 34 Cont'd.

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 26, 1988, rendered the determinations shown on the attached memo dated August 30, 1988, 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 30, 1988 memo attached hereto:

Item II

3884 Broadway

*SEE NEXT PAGE FOR COPY OF MEMO

Page 2

As of this date no comment has been received from any of the other agencies and the commentary period will end on September 9, 1988.

The Engineering Department and Highway Department must approve the final drainage and detention basin plans.

ITEM II	3884 Broadway	-	Construction Of A 3,480 Sq. Ft. Office Building
---------	---------------	---	--

Applicant: Stephen Korduba

Determination: Non-Significant With Stipulations -
The area is zoned M2 - General Manufacturing and an office use is appropriate for the area. The project has had revisions since it was last reviewed on August 12. As a result of the revisions additional parking is available and the landscaping that the Planning Board approved will be extended further East.

There is some controversy over this parcel as one of the neighbors maintains that a sewer lateral for his home runs through the property. The applicant has agreed to relocate the lateral for the house and utilize the existing sewer lateral for the office building. The Committee is also requesting verification that National Fuel Gas has relocated gas lines that service rear homes. Blacktop will be extended along the West property line for the entire length of the building to provide a paved access road for the neighbors to the rear.

The Executive Engineer for the Erie County Water Authority had verbally indicated to the Building Inspection Office that problems may exist with an old water transmission line located on or near the property. Apparently the easement is vague and undefined and the Water Authority will be working with the applicant to resolve the legal problems.

ITEM III 470 Cayuga Road - Proposed Rezoning &
Special Permit For
Office/Warehouse & Used
Car Sales

Applicant: S & W Associates

Item No. 34 Cont'd.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 35 Designate rate of pay for two (2) seasonal employees in Police Dept.

Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

BE IT RESOLVED that the following named individuals be paid the sum of \$3.35 per hour, as seasonal employees in the Police Department, retroactive to August 29, 1988, for all hours they have so worked; namely:

Judy Ann Zipp, residing at and

Jacqueline Radwanski, residing at

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Councilman Kazukiewicz Seconded by Councilman Kulyk 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 19th day of September, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Sal LaGreca, Employment and Training Director II, also Planning Board Chairman; Ron Marten, Supervising Building and Plumbing Inspector; Robert Lis, Chief of Police; Al Lonczak, Deputy Highway Superintendent.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the adoption of an amendment to the Special Review Zoning District Ordinance of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendment being as follows:

RESOLVED THAT SECTION 1 of the Special Review Zoning District Ordinance shall be amended by the deletion of the number "90" therein and by substituting in its place the number "120".

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

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) 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

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Dean Road	North-South	Airport Drive	Eastbound Westbound	S.W. Corner N.E. Corner

Item No. 3 cont'd

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

Item No. 4 This being the time and place advertised for a public hearing to consider the adoption of SUBDIVISION REGULATION of the Town of Cheektowaga, hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said Regulation being as follows:

SUBDIVISION REGULATION

At the time of submission of a subdivision map cover for approval by the Town Board, the subdivision owner shall specify on such map cover which lots will be utilized to erect two-family dwellings and which lots will be utilized to erect one-family dwellings. The subdivision owner, his successors and assigns shall thereafter be bound by such statement and any modifications to same shall require Town Board approval.

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. 5 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, by resolution dated June 6, 1988, this Town Board adopted the "Special Review Zoning District" Ordinance, and

WHEREAS, such ordinance established a moratorium on the construction of two-family dwellings in the Special Review Zoning District established thereunder until September 17, 1988, and

WHEREAS, such Ordinance was adopted in order to provide the Town Board with time to carefully review alternate proposals to the existing problem with the uncontrolled construction of two-family dwellings in the R-Residence District, and

WHEREAS, the Town Board is currently considering proposals for the assignment of two-family dwellings to a different or new zoning classification; establishing a maximum percentage allowed for two-family dwellings in given areas and subdivisions; and the adoption of subdivision regulations relating to two-family dwellings, and

WHEREAS, this Town Board feels that it will need additional time to adequately review and consider alternatives to the present system, and

WHEREAS, in accordance with the provisions of the Town Law, a public hearing on a proposal to extend the Special Review Zoning District Ordinance for an additional period of 30 days was held on the 19th day of September, 1988 at 7:00 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens were given an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Special Review Zoning District Ordinance as proposed, NOW, THEREFORE, BE IT

RESOLVED that the Special Review Zoning District Ordinance shall be amended as follows:

Item No. 5 cont'd

RESOLVED THAT SECTION 1 of the Special Review Zoning District Ordinance shall be amended by the deletion of the number "90" therein and by substituting in its place the number "120"

and BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on September 19, 1988; and that a certified copy thereof be published in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED that this amendment to the Special Review Zoning District Ordinance shall take effect ten (10) days after publication and posting, but said changes shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry in the minutes.

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk, Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... 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 29 1988* ;
last publication..... *SEP 29 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this *29th*
day of *September*, 19*88*..
..... *Justine D. Dembik*.....

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 19*90*

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
ABSENT: 0

Motion by Councilman Johnson
and Seconded by Councilman Solecki
WHEREAS, by resolution dated
June 6, 1988, this Town Board adopted
the "Special Review Zoning District"
Ordinance, and

WHEREAS, such Ordinance estab-
lished a moratorium on the construc-
tion of two-family dwellings in the
Special Review Zoning District estab-
lished thereunder until September 17,
1988, and

WHEREAS, such Ordinance was
adopted in order to provide the Town
Board with time to carefully review
alternate proposals to the existing
problem with the uncontrolled con-
struction of two-family dwellings in
the R-Residence District, and

WHEREAS, the Town Board is
currently considering proposals for the
assignment of two-family dwellings to
a different or new zoning classifica-
tion; establishing a maximum percent-
age allowed for two-family dwellings
in given areas and subdivisions; and
the adoption of subdivision regula-
tions relating to two-family dwellings,
and

WHEREAS, this Town Board feels
that it will need additional time to
adequately review and consider alter-
natives to the present system, and

WHEREAS, in accordance with the
provisions of the Town Law, a public
hearing on a proposal to extend the
Special Review Zoning District Ordinance
for an additional period of 30
days was held on the 19th day of Sep-
tember, 1988 at 7:00 o'clock P.M., at a
meeting of the Town Board at the
Cheektowaga Town Hall, corner of
Broadway and Union Road, Cheek-
towaga, New York; at which hearing
all parties in interest and citizens were
given an opportunity to be heard and
were heard, and

WHEREAS, it is in the public inter-
est to amend the Special Review Zon-
ing District Ordinance as proposed,
NOW, THEREFORE, BE IT

RESOLVED, that the Special Re-
view Zoning District Ordinance shall
be amended as follows:

RESOLVED THAT SECTION 1 of
the Special Review Zoning District
Ordinance shall be amended by the
deletion of the number "90" therein
and by substituting in its place the
number "120".

and, BE IT FURTHER

RESOLVED, that a copy of this
resolution be entered in the minutes of
the meeting of the Town Board of the
Town of Cheektowaga held on Sep-
tember 19, 1988; and that a certified
copy thereof be published in the
Cheektowaga Times, a newspaper
published in the Town of Cheektow-
aga and having a general circulation
therein; and an affidavit of such publi-
cation shall be filed with the Town
Clerk, and BE IT FURTHER

RESOLVED, that this amendment
to the Special Review Zoning District
Ordinance shall take effect ten (10)
days after publication and posting, but
said changes shall take effect from the
date of their service against a person
served personally with a copy thereof
certified by the Town Clerk under the
corporate seal of the Town and show-
ing the date of its passage and entry in

the minutes.

Upon roll call.....
Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting
AYE
Councilman Gabryszak Voting
AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting
AYE
Councilman Solecki Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0
PUBLISH: September 29, 1988

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 19th
day of September, 1988 at 7:00 o'clock
p.m. Eastern Daylight Savings Time
there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,
Jr.
Councilman Patricia A. Jaworowicz

Item No. 6 Motion by Supervisor Swiatek, seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo ("Pyramid") has proposed the construction of a regional shopping center known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the Town Board of the Town of Cheektowaga issued its Findings Statement pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") on June 13, 1988 and issued various approvals for the Walden Galleria, and

WHEREAS, Pyramid has requested that the Town of Cheektowaga Building Department issue a Certificate of Occupancy for the opening of the Sibley's Department Store, a 125,000 square foot building, independent of the opening of the Walden Galleria mall which may contain as much as 1.4 million square feet of leasable area, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed Pyramid's request in light of the Town Board's SEQRA Findings Statement and has determined that all zoning requirements of the Town of Cheektowaga, as they apply to the Sibley's Department store only, can be met if the Sibley's Department Store is allowed to open independent of the issuance of certificates of occupancy for the remainder of the Walden Galleria shopping mall, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has further advised the Town Board, in its memo dated September 1, 1988, that there would be no adverse impacts connected with an early opening of the Sibley's Department Store provided the following items are in place:

- All road improvements along Walden Avenue from the Thruway (I-90) to Union Road, including the Union-Walden Intersection, are completed. This includes traffic signals.
- The parking fields to the east and west of Sibley's are completed.
- Screening is provided along the common line with the School District property to the northern limit of the finished parking area. The type of screening/landscaping must be agreed to by the School District.
- The building itself must be 100% complete with all systems (fire detection, sprinkler, etc.) operational. All exists must be available for use.
- Documentation that the flood control measures are adequate and functional to be submitted to the Town Engineer.
- No construction vehicles be allowed in the Sibley's parking area. These vehicles are other than Pick-up trucks or small vans.
- The construction area is to be made inaccessible to the public visiting Sibley's.
- No other shops or anchor stores will open prior to the execution of all Findings Statement conditions.

and

WHEREAS, the Town Board, in its SEQRA Findings Statement regarding Traffic and Roadway Improvements, paragraphs 70-81, and specifically, paragraphs 70 and 81, acknowledged that Walden Avenue is under the jurisdiction of the New York State Department of Transportation ("DOT") which is responsible for maintaining the safe and proper functioning of Walden Avenue, and

WHEREAS, the Town Board in its SEQRA Findings Statement deferred to the recommendations of the DOT with regard to roadway improvements to be made to Walden Avenue in relation to the Walden Galleria regional shopping center, and

WHEREAS, it appears that the SEQRA Findings Statement is silent with respect to the issuance of a Certificate of Occupancy for the opening of a single department store under the circumstances herein presented, NOW, THEREFORE, BE IT

Item No. 6 cont'd

RESOLVED that this Town Board hereby certifies that:

1. The Town Board has given consideration to the FEIS for the Walden Galleria project and Pyramid's proposal for the opening of the Sibley's Department Store as an independent action;

2. The requirements of the SEQRA and its implementing regulations as well as the applicable portions of Chapter 23A of the Code of the Town of Cheektowaga have been met;

3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, this proposal, as approved and subject to the conditions set forth below, minimizes or avoids to the maximum extent practicable any adverse environmental effects including the effects disclosed in the FEIS; and

4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FEIS process will be minimized or avoided by incorporating the conditions identified below.

and BE IT FURTHER

RESOLVED that this Town Board hereby authorizes the Town of Cheektowaga Department of Building and Plumbing Inspection to issue a Certificate of Occupancy for the opening of the Sibley's Department Store subject to the following conditions:

1. the Building and Plumbing Inspection Department's finding that all Town zoning and building requirements have been met.

2. the Town's receipt of concurrence of the DOT to the effect that Pyramid has constructed necessary roadway improvements required for the safe and proper movement of the traffic generated by the Sibley's Department Store on Walden Avenue to the satisfaction of the DOT; and

3. the conditions recommended hereinbefore in the September 1, 1988 memo of the Town Environmental Quality Review Advisory Committee have been satisfied.

4. a memorandum of understanding be entered into between the Town and Pyramid concerning the allowable type of low level construction equipment and noise which will be permitted to work on the Union Road/Walden Avenue intersection reconstruction during the hours of 11:00 P.M. and 7:00 A.M.

and BE IT FURTHER

RESOLVED that this resolution shall constitute a Supplemental Findings Statement and copies shall be filed with all Town department heads, involved agencies, Pyramid and filed in the Town Clerk's Office

MOTION BY COUNCILMAN JOHNSON, SECONDED BY SUPERVISOR SWIATEK TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk, Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

and the amended resolution is as follows:

Item No. 6 cont'd

Motion by Supervisor Swiatek, seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo ("Pyramid") has proposed the construction of a regional shopping center known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the Town Board of the Town of Cheektowaga issued its Findings Statement pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") on June 13, 1988 and issued various approvals for the Walden Galleria, and

WHEREAS, Pyramid has requested that the Town of Cheektowaga Building Department issue a Certificate of Occupancy for the opening of the Sibley's Department Store, a 125,000 square foot building, independent of the opening of the Walden Galleria mall which may contain as much as 1.4 million square feet of leasable area, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed Pyramid's request in light of the Town Board's SEQRA Findings Statement and has determined that all zoning requirements of the Town of Cheektowaga, as they apply to the Sibley's Department store only, can be met if the Sibley's Department Store is allowed to open independent of the issuance of certificates of occupancy for the remainder of the Walden Galleria shopping mall, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has further advised the Town Board, in its memo dated September 1, 1988, that there would be no adverse impacts connected with an early opening of the Sibley's Department Store provided the following items are in place:

- All road improvements along Walden Avenue from the Thruway (I-90) to Union Road, including the Union-Walden Intersection, are completed. This includes traffic signals.
- The parking fields to the east and west of Sibley's are completed.
- Screening is provided along the common line with the School District property to the northern limit of the finished parking area. The type of screening/landscaping must be agreed to by the School District.
- The building itself must be 100% complete with all systems (fire detection, sprinkler, etc.) operational. All exists must be available for use.
- Documentation that the flood control measures are adequate and functional to be submitted to the Town Engineer. No construction vehicles be allowed in the Sibley's parking area. These vehicles are other than Pick-up trucks or small vans.
- The construction area is to be made inaccessible to the public visiting Sibley's
- No other shops or anchor stores will open prior to the execution of all Findings Statement conditions.

and

WHEREAS, the Town Board, in its SEQRA Findings Statement regarding Traffic and Roadway Improvements, paragraphs 70-81, and specifically, paragraphs 70 and 81, acknowledged that Walden Avenue is under the jurisdiction of the New York State Department of Transportation ("DOT") which is responsible for maintaining the safe and proper functioning of Walden Avenue, and

WHEREAS, the Town Board in its SEQRA Findings Statement deferred to the recommendations of the DOT with regard to roadway improvements to be made to Walden Avenue in relation to the Walden Galleria regional shopping center, and

WHEREAS, it appears that the SEQRA Findings Statement is silent with respect to the issuance of a Certificate of Occupancy for the opening of a single department store under the circumstances herein presented, NOW, THEREFORE, BE IT

Item No. 6 cont'd

RESOLVED that this Town Board hereby certifies that:

1. The Town Board has given consideration to the FEIS for the Walden Galleria project and Pyramid's proposal for the opening of the Sibley's Department Store as an independent action;

2. The requirements of the SEQRA and its implementing regulations as well as the applicable portions of Chapter 23A of the Code of the Town of Cheektowaga have been met;

3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, this proposal, as approved and subject to the conditions set forth below, minimizes or avoids to the maximum extent practicable any adverse environmental effects including the effects disclosed in the FEIS; and

4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FEIS process will be minimized or avoided by incorporating the conditions identified below.

and BE IT FURTHER

RESOLVED that this Town Board hereby authorizes the Town of Cheektowaga Department of Building and Plumbing Inspection to issue a Certificate of Occupancy for the opening of the Sibley's Department Store subject to the following conditions:

1. the Building and Plumbing Inspection Department's finding that all Town zoning and building requirements have been met.

2. the Town's receipt of concurrence of the DOT to the effect that Pyramid has constructed necessary roadway improvements required for the safe and proper movement of the traffic generated by the Sibley's Department Store on Walden Avenue to the satisfaction of the DOT; and

3. the conditions recommended hereinbefore in the September 1, 1988 memo of the Town Environmental Quality Review Advisory Committee have been satisfied.

4. a memorandum of understanding be entered into between the Town and Pyramid concerning the allowable type of low level construction equipment and noise which will be permitted to work on the Union Road/Walden Avenue intersection reconstruction during the hours of 11:00 P.M. and 7:00 A.M.

5. that inasmuch as residents on Fath Drive have heretofore enjoyed their homes and surroundings free from the visage of high volume thruway traffic, as well as from construction dust, noise and other irritants, Pyramid submit to the Town Engineer an acceptable landscaping plan, including berms, screening the residents on Fath Drive from the Galleria Development, which shall be incorporated in an overall landscaping and screening plan for the Galleria Project.

and BE IT FURTHER

RESOLVED that this resolution shall constitute a Supplemental Findings Statement and copies shall be filed with all Town department heads, involved agencies, Pyramid and filed in the Town Clerk's Office

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES:	Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk Kazukiewicz and Solecki
NAYES:	0
ABSENT:	0

and the amended resolution is as follows:

Item No. 6 cont'd

Motion by Supervisor Swiatek, seconded by Councilman Gabryszak

WHEREAS, the Pyramid Company of Buffalo ("Pyramid") has proposed the construction of a regional shopping center known as the Walden Galleria in the Town of Cheektowaga, and

WHEREAS, the Town Board of the Town of Cheektowaga issued its Findings Statement pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") on June 13, 1988 and issued various approvals for the Walden Galleria, and

WHEREAS, Pyramid has requested that the Town of Cheektowaga Building Department issue a Certificate of Occupancy for the opening of the Sibley's Department Store, a 125,000 square foot building, independent of the opening of the Walden Galleria mall which may contain as much as 1.4 million square feet of leasable area, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has reviewed Pyramid's request in light of the Town Board's SEQRA Findings Statement and has determined that all zoning requirements of the Town of Cheektowaga, as they apply to the Sibley's Department store only, can be met if the Sibley's Department Store is allowed to open independent of the issuance of certificates of occupancy for the remainder of the Walden Galleria shopping mall, and

WHEREAS, the Town Environmental Quality Review Advisory Committee has further advised the Town Board, in its memo dated September 1, 1988, that there would be no adverse impacts connected with an early opening of the Sibley's Department Store provided the following items are in place:

- All road improvements along Walden Avenue from the Thruway (I-90) to Union Road, including the Union-Walden Intersection, are completed. This includes traffic signals.
- The parking fields to the east and west of Sibley's are completed.
- Screening is provided along the common line with the School District property to the northern limit of the finished parking area. The type of screening/landscaping must be agreed to by the School District.
- The building itself must be 100% complete with all systems (fire detection, sprinkler, etc.) operational. All exists must be available for use.
- Documentation that the flood control measures are adequate and functional to be submitted to the Town Engineer.
- No construction vehicles be allowed in the Sibley's parking area. These vehicles are other than Pick-up trucks or small vans.
- The construction area is to be made inaccessible to the public visiting Sibley's
- No other shops or anchor stores will open prior to the execution of all Findings Statement conditions.

and

WHEREAS, the Town Board, in its SEQRA Findings Statement regarding Traffic and Roadway Improvements, paragraphs 70-81, and specifically, paragraphs 70 and 81, acknowledged that Walden Avenue is under the jurisdiction of the New York State Department of Transportation ("DOT") which is responsible for maintaining the safe and proper functioning of Walden Avenue, and

WHEREAS, the Town Board in its SEQRA Findings Statement deferred to the recommendations of the DOT with regard to roadway improvements to be made to Walden Avenue in relation to the Walden Galleria regional shopping center, and

WHEREAS, it appears that the SEQRA Findings Statement is silent with respect to the issuance of a Certificate of Occupancy for the opening of a single department store under the circumstances herein presented, NOW, THEREFORE, BE IT

Item No. 6 cont'd

RESOLVED that this Town Board hereby certifies that:

1. The Town Board has given consideration to the FEIS for the Walden Galleria project and Pyramid's proposal for the opening of the Sibley's Department Store as an independent action;

2. The requirements of the SEQRA and its implementing regulations as well as the applicable portions of Chapter 23A of the Code of the Town of Cheektowaga have been met;

3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, this proposal, as approved and subject to the conditions set forth below, minimizes or avoids to the maximum extent practicable any adverse environmental effects including the effects disclosed in the FEIS; and

4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FEIS process will be minimized or avoided by incorporating the conditions identified below.

and BE IT FURTHER

RESOLVED that this Town Board hereby authorizes the Town of Cheektowaga Department of Building and Plumbing Inspection to issue a Certificate of Occupancy for the opening of the Sibley's Department Store subject to the following conditions:

1. the Building and Plumbing Inspection Department's finding that all Town zoning and building requirements have been met.

2. the Town's receipt of concurrence of the DOT to the effect that Pyramid has constructed necessary roadway improvements required for the safe and proper movement of the traffic generated by the Sibley's Department Store on Walden Avenue to the satisfaction of the DOT; and

3. the conditions recommended hereinbefore in the September 1, 1988 memo of the Town Environmental Quality Review Advisory Committee have been satisfied.

4. a memorandum of understanding be entered into between the Town and Pyramid concerning the allowable type of low level construction equipment and noise which will be permitted to work on the Union Road and Walden Avenue reconstruction during the hours of 11:00 P.M. and 7:00 A.M.

5. that inasmuch as residents on Fath Drive have heretofore enjoyed their homes and surroundings free from the visage of high volume Thruway traffic, as well as from construction dust, noise and other irritants, Pyramid submit to the Town Engineer an acceptable landscaping plan, including berms, screening the residents on Fath Drive from the Galleria Development, which shall be incorporated in an overall landscaping and screening plan for the Galleria Project.

and BE IT FURTHER

RESOLVED that this resolution shall constitute a Supplemental Findings Statement and copies shall be filed with all Town department heads, involved agencies, Pyramid and filed in the Town Clerk's Office

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk, Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

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

WHEREAS, this Town Board authorized the receipt of bids for the construction of a comfort station and shelter at Firemen's Park, and said bids were duly received and opened on August 29, 1988, and

WHEREAS, there was a need to alter plans and specifications because of a need to change the scope of work as determined by the Project Engineer, Allan Blachowski, and in order to bring the project within the constraints of the budget available for the construction of a comfort station and shelter at Firemen's Park, NOW, THEREFORE, BE IT

RESOLVED that the bids as received for Firemen's Park comfort station and shelter be and hereby are rejected, and it is the intent of this Town Board to reschedule the acceptance of bids for said improvements at a later date.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, it is in order that bids be advertised for the construction of a comfort station and shelter at Firemen's Park under Phase I, and

WHEREAS, funds are available for the construction of said comfort station and shelter in account #01-7110-0004-4536, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the construction of a comfort station and shelter, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received by the Town of Cheektowaga on October 6, 1988 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

* * * * *

CHEEKTOWAGA FIREMEN'S PARK
COMFORT STATION AND SHELTER
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 6th day of October, 1988 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 a comfort station and shelter in Cheektowaga Firemen's Park, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore including Plans, Specifications Instructions to Bidders, etc., prepared by the Cheektowaga Engineering Department.

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 office. Copies are available in the Town Clerk's Office, Broadway and Union Road, Cheektowaga, New York 14227 and may be secured upon payment of \$25.00 per set of documents. Deposits should be made in the form of two (2) \$12.50 checks made payable to the Town of Cheektowaga.

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 Comfort Station and Shelter in Firemen's Park".

Item No. 8a cont'd

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. Materials 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 the 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 180 consecutive days, to begin five (5) days after the "Order to Commence Work" has been issued.

RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga

Dated: September 19, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 22 1988.....;
last publication.....SEP 22 1988.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this22nd.....
day ofSeptember....., 1988.
.....Justine D. Dembik.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE TO BIDDERS
CHEEKTOWAGA
FIREMEN'S PARK
COMFORT STATION AND
SHELTER**

**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 6th day of October, 1988 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 a comfort station and shelter in Cheektowaga Firemen's Park, complete in place, tested and ready for use, in accordance with the Contract Documents, therefore, including Plans, Specifications, Instruction to Bidders, etc., prepared by the Cheektowaga Engineering Department.

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. Copies are available in the Town Clerk's Office, Broadway and Union Road, Cheektowaga, New York 14227 and may be secured upon payment of \$25.00 per set of documents. Deposits should be made in the form of two (2) \$12.50 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 Comfort Station and Shelter in Firemen's Park."

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, nonbidders will be refunded one-half the deposit. Materials 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 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 surties 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 180 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 22, 1988

Item No. 8b Motion by Councilman Solecki, 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 1989 MODEL, (3/4) TON, VAN 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 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 Friday, September 30, 1988, at the Cheektowaga Town Hall Council Chambers.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989 MODEL, (3/4) TON, VAN for use in the Cheektowaga Highway Department, at a public bid opening September 30, 1988 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE (1) NEW AND UNUSED 1989 MODEL, (3/4) TON, VAN.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: September 19, 1988

PUBLISHED: September 22, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., 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 22 1988 ;
last publication..... SEP 22 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this 22nd
day of September , 19..... 88.
..... Justine D. Dembik
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1990

**LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989 MODEL, (3/4) TON, VAN for use in the Cheektowaga Highway Department, at a public bid opening, September 30, 1988 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowak, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE (1) NEW AND UNUSED 1989 MODEL, (3/4) TON, VAN."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD MOLESKI

Town Clerk

PUBLISH: September 22, 1988

Item No. 8c Motion by Councilman Solecki, 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 1989 MODEL, TWO (2) WHEEL DRIVE, MINI-VAN 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, N.Y. 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 Friday, September 30, 1988 at the Cheektowaga Town Hall Council Chambers.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989 MODEL, TWO (2) WHEEL DRIVE, MINI-VAN for use in the Cheektowaga Highway Department, at a public bid opening September 30, 1988 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE (1) NEW AND UNUSED 1989 MODEL, TWO (2) WHEEL DRIVE, MINI-VAN.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: September 19, 1988

PUBLISHED: September 22, 1988

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... 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 22 1988*.....;
last publication.....*SEP 22 1988*.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this*22nd*.....
day of*September*....., 19*88*..
.....*Justine D. Dembik*.....
Notary public in and for Erie County, N. Y.

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY *90*
MY COMMISSION EXPIRES FEB. 16, 19*90*

**LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989 MODEL TWO (2) WHEEL DRIVE, MINI-VAN for use in the Cheektowaga Highway Department, at a public bid opening September 30, 1988 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked BID FOR ONE (1) NEW AND UNUSED 1989 MODEL TWO (2) WHEEL DRIVE, MINI-VAN.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 22, 1988

Item No. 9 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Chapter 13 of the Code of the Town of Cheektowaga (Law for Administration and Enforcement of the State Building Construction Code) requires that all Building and Plumbing Permit fees shall be as specified in a schedule as approved by the Town Board, and

WHEREAS, by Town Board resolution dated February 20, 1985, a Building and Plumbing Permit Fee Schedule was adopted, and

WHEREAS, the Supervising Building and Plumbing Inspector and Superintendent of Highways have recommended that certain of these fees be increased, NOW, THEREFORE, BE IT

RESOLVED that the following amended Building and Plumbing Permit Fees be and hereby are established and made a part of the Building and Plumbing Fee Schedule, effective October 1, 1988:

TREE PLANTING FEE FOR RESIDENTIAL	\$150.00
STRUCTURES	
SWIMMING POOLS (ABOVE GROUND)	\$ 10.00
SWIMMING POOLS (IN GROUND)	\$ 25.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, pursuant to the Environmental Impact 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 Impact 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 September 9, 1988, rendered the determinations shown on the attached memo dated September 13, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the September 13, 1988 memo attached hereto:

Item III

84 Pfohl Road

* See next page for memo

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

RE: EQR - September 9, 1988

September 13, 1988

Page 2

He indicated that Bissell Engineers are in the process of designing site drainage. The Planning Board reviewed the plan and has recommended approval with the condition that additional landscaping be placed in the front yard. The area directly behind the building will be grass. Only small vans would be entering or leaving the site.

ITEM II 794 French Road - Proposed Rezoning From
Residential To Retail
Business

Applicant: Paul Szczesek

Determination: Tabled

The property in question is located between the offices of Terry Realty and the Queens Park Apartments. Part of the property would appear to be drainage for the French Road area. At the request of the Town Engineer the applicant will get the drainage ditches located on his survey so that a determination can be made as to whether easements will be required. The question was also raised with regard to spot zoning and the surrounding zonings and this will be determined by the Building Inspection Department.

ITEM III	84 Pfohl Road	-	Proposed 80 x 120 Warehouse
----------	---------------	---	-----------------------------

Applicant: William Pfohl Trucking Corp.

Determination: Non-Significant

The applicant at present operates a trucking firm from the site and wishes to construct this building to house equipment that is presently stored outside. A majority of the site is now stone parking or storage area and will continue to remain as such. The Planning Board reviewed the landscaping plan and found it to be adequate for the existing uses. The building will be constructed and the first floor elevation verified by a licensed surveyor so that the Town Engineering Department may determine whether it is in compliance with the Town's Flood Damage Ordinance.

Item No. 11 Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Penn Advertising, Inc. has requested permission to replace existing 12 ft. X 25 ft. side by side billboard signs with 12 ft. x 25 ft. back to back monopole units at 3035 Union Road, 3150 Union Road, 1351 Walden Avenue, 1510 Walden Avenue and Harlem Road opposite Straley Avenue, and

WHEREAS, Penn Advertising, has additionally requested permission to install 14 ft. x 48 ft. billboard on the North side of an existing 14 ft. x 48 ft. billboard at 3770 Union Road and to replace an existing 12 ft. x 25 ft. billboard at 3870 Union Road with a 14 ft. x 48 ft. billboard and to replace an existing 14 ft. x 48 ft. steel beam billboard at 2258 Harlem Road with a 14ft. x 48 ft. monopole unit, and

WHEREAS, said application was referred to the Supervising Building and Plumbing Inspector of the Town of Cheektowaga, and

WHEREAS, said Supervising Building & Plumbing Inspector has recommended approval of the billboard installation requests for 3035 Union Road, 3150 Union Road, 3770 Union Road, 1510 Walden Avenue, Harlem Road opposite Straley Avenue and 2258 Harlem Road provided the billboard replacements are limited to a maximum height of 30 ft. above grade, and

WHEREAS, said Supervising Building & Plumbing Inspector has recommended denial of the billboard installation requests for 1351 Walden Avenue and 3870 Union Road, NOW, THEREFORE, BE IT

RESOLVED that Penn Advertising, Inc. be and is hereby granted permission to replace existing billboards at 3035 Union Road, 3150 Union Road, 3770 Union Road, 1510 Walden Avenue, Harlem Road opposite Straley Avenue and 2258 Harlem Road provided the billboard replacements are limited to a maximum height of 30 ft. above grade, and BE IT FURTHER

RESOLVED that Penn Advertising, Inc. be and is hereby denied permission to replace the existing 12 ft. x 25 ft. billboard sign at 3870 Union Road with a 14 ft. x 48 ft. billboard sign and is also denied permission to replace the 12 ft. x 25 ft. billboard sign at 1351 Walden Avenue.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Kazukiewicz, Seconded by Councilman Gabryszak

WHEREAS, the Erie County Community Service Program came into existence through the 1984 New York State "Classification/Alternatives" bill and receives State funding through the Division of Probation and Correctional Alternatives, and

WHEREAS, the purpose of community service programs is to place individuals convicted of misdemeanors and non-violent felonies in community service programs as a means of punishing and rehabilitating them, and

WHEREAS, the Community Service Program has proven to be a positive experience for both the individual convicted of a crime and the organization/community which receives the community service, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby supports the Erie County Community Service Program and hereby states that it would be willing to serve as a participating service site agency for the placement of individuals for community service work, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the County of Erie, Community Service Program, 134 West Eagle Street, Buffalo, New York 14202.

Item No. 12 cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, by resolution dated June 20, 1988, this Town Board granted preliminary site plan approval for Woodlands at the Park, a proposed subdivision consisting of 32 lots, and

WHEREAS, subsequently and by resolution dated August 1, 1988, this Town Board clarified the June 20, 1988 resolution with respect to the buffer area and berm to be dedicated to the Town, and

WHEREAS, the Tom Greenauer Development, Inc. has submitted final subdivision plans for Woodlands at the Park, which subdivision plans have been approved by the Town Engineering and Highway Departments, NOW, THEREFORE, BE IT

RESOLVED that Woodlands at the Park, a proposed subdivision consisting of 32 lots, be and hereby is approved subject to the following conditions:

1. The berm be established just south of the southerly edge of the Woodlands at the Park Subdivision along its entire length, with clearing debris material to be deposited as a natural rough berm within the width generally measuring in the neighborhood of 10 feet, with the height to be maximized, such berm being of the type requested by the New York State Department of Environmental Conservation; and
2. Upon acceptance of the public improvements (i.e., street, easements) for this subdivision by this Town Board, the developer deed to the Town the 200' by 1300' buffer zone south of the subdivision boundary and 100' north of the Reinstein Woods.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

* See next Town Board meeting of October 3, 1988 regarding amendment to above resolution regarding number of lots

Item No. 14 Motion by Councilman Kazukiewicz, Seconded by Councilman Gabryszak

WHEREAS, Maryvale High School desires to have a Homecoming Parade on Saturday, October 1, 1988, starting at 12:00 Noon, and

WHEREAS, the Homecoming Parade will begin at the Maryvale Senior High School Union Road exit, proceed north to Cleveland Drive, Beach Road, Genesee Street, George Urban Boulevard, Union Road, Cayuga Road, and then back to Maryvale Senior High School, and

WHEREAS, Maryvale High School has requested permission to conduct its Homecoming Parade and desires a Police escort, NOW, THEREFORE, BE IT

RESOLVED that Maryvale High School be and hereby is authorized to conduct its Homecoming Parade along the above mentioned route, and BE IT FURTHER

Item No. 14 cont'd

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 of the Vehicle and Traffic Law of the State of New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Kazukiewicz, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga is in need of additional baseball and softball playing diamonds in the Town, and

WHEREAS, the need for additional lands will be greater once the Town golf course is built in Rehm Road Park and the existing diamonds in such park are removed, and

WHEREAS, the DAV Chapter 150, Inc. is the owner of property located at 575 Cayuga Creek Road and has offered to allow the Town to utilize its lands for the erection of baseball/softball diamonds pursuant to the attached lease, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement with DAV Chapter 150, Inc.

MOTION BY COUNCILMAN GABRYSAK, SECONDED BY SUPERVISOR SWIA TEK TO TABLE THE ABOVE RESOLUTION AND REFERRED TO THE GABRYSAK COMMITTEE (FINANCIAL) FOR COST ANALYSIS.

Item No. 16 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 ambulance 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 ambulance 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) licenses(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 Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
** Carnevale, Tammie Gail	Buffalo, N.Y. 14213	Gold Cross	1/31/91
** McCull, Robin	Buffalo, N.Y. 14214	Gold Cross	5/31/91
Metzger, Patricia A.	Kenmore, New York 14217	Gold Cross	5/31/91
Rotola, Michael P.	Amherst, N.Y. 14226	Town's Amb.	5/31/91
Sherwood, Suzanne R.	Niagara Falls, NY 14304	Gold Cross	1/31/91

Item No. 17a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Pyramid Company of Buffalo, the developer of the Walden Galleria project regional shopping center in the Town of Cheektowaga, is constructing a four-lane highway known as Galleria Drive as part of the project, and

WHEREAS, the approved plans and specifications for said highway call for the installation of one fire hydrant located within the southerly portion of the Galleria Drive right-of-way at approximate station 20 + 78, proposed for dedication to the Town, said hydrant to be located within the Walden Fire District No. 2, and

WHEREAS, it has been indicated by the Board of Commissioners of Walden Fire District No. 2 that such Board would approve the location of said hydrant within the Galleria Drive right-of-way, NOW, THEREFORE, BE IT

RESOLVED that, contingent upon receipt of a letter evidencing approval of the location of the aforementioned fire hydrant within the Galleria Drive right-of-way by the Walden Fire District No. 2, permission is hereby granted to the developer of the Walden Galleria Shopping Center to install one hydrant at the aforesaid location within the Walden Fire District No. 2, and BE IT FURTHER

RESOLVED that all costs associated with furnishing and installing the subject hydrant are to be borne by the developer, and BE IT FURTHER

RESOLVED that the Town of Cheektowaga is hereby responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for the subject hydrant, with said fee being charged to Walden Hydrant District No. 2, account #62-8352-00040-4339.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, developers are required to install water mains within the right-of-way of new subdivisions, and

WHEREAS, a total of eight (8) hydrants must be installed in the Losson Park Village Subdivision prior to acceptance of the water main extensions by the Erie County Water Authority as part of their water transmission system, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to the developer of the Losson Park Village Subdivision to install eight (8) hydrants, to be installed in three (3) phases, at locations approved by Ralph E. Collins, Chief of the South Line Fire District No. 10, and BE IT FURTHER

RESOLVED that all costs associated with furnishing and installing said hydrants is to be borne by the subdivision 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 for the subject hydrants, with such charges being recovered by Town billings to the respective fire company, and BE IT FURTHER

RESOLVED that the location of the hydrants, as approved by the Chief of South Line Fire District No. 10 are as follows:

PHASE I

West side of Towers Boulevard at common line of sublots 3 & 4

West side of Towers Boulevard at common line of sublots 10 & 11

West side of Towers Boulevard at common line of sublots 18 & 19

Item No. 17b cont'd

PHASE II

Intersection of Whitney Place and Park Trail at northwest corner of subplot 91

East side of Park Trail at common line of sublots 97 & 98

PHASE III

West side of Whitney Place at the common line of sublots 118 & 119

West side of Whitney Place at the common line of sublots 109 & 108

East side of Park Trail at the common line of sublots 105 & 106

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilman Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that the following seasonal employees be terminated from the Cheektowaga Recreation Department effective September 19, 1988,

LIFEGUARDS

Carol Kushner

BASKET CHECKERS

David Caprio
Kevin Capril
Cynthia Hartman
Michelle Luciana
Michael Mekartski
Lisa Siembida
Timothy Spoly

RECREATION ATTENDANTS

Richard Brecker
Christopher Joseph

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 18b Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

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

EFFECTIVE

POLICE DEPARTMENT

Kerry Ann Ertel
Susan Orr

9/2/88
8/26/88

Item No. 18b cont'd

FACILITIES DEPARTMENT

Robert Nowak
Richard Thomann
Marie Brutcher

Immediately
Immediately
9/16/88

COMMUNITY DEVELOPMENT

Lynette Wasielewski

Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, the New York State Association for Solid Waste Management will be holding a seminar on solid waste at Cooperstown, New York on October 3 & 4, 1988, 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.

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

and the amended resolution is as follows:

AMENDED RESOLUTION

Motion by Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, the New York state Association for Solid Waste Management will be holding a seminar on solid waste at Cooperstown, New York on October 3 & 4, 1988, 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, at a cost not to exceed \$250.00.

Item No. 19a cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 19b Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

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 12-14, 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 and satisfies a State of New York requirement for "in service" training, 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 12-14, 1988, and BE IT FURTHER

RESOLVED that the Town pay Mr. Kawczynski's and Mr. Saternus's registration fee of \$5.00; lodging costs of \$40.00 and travel costs not to exceed \$90.00 in attending such seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Gabryszak, Seconded by Councilman Solecki

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and vehicle bodies no longer needed for Town use, and

WHEREAS, sale of surplus property by the town is authorized by Section 64 of the Town law of the State of New York, and

WHEREAS, Buffalo Thruway Auto Auction, Inc. will sell such motor vehicles at a public auction in accordance with its letter dated September 1, 1988, a copy of which is attached hereto, NOW, THEREFORE, BE IT

RESOLVED that the Town hereby retains Buffalo Thruway Auto Auction, Inc., 2727 Broadway, Cheektowaga, New York as per the attached proposal, to conduct a sale of surplus Town vehicles and vehicle bodies identified on the attached list, at a public sale to be held at a date and time arranged by the General Foreman of the Central Garage, at 2727 Broadway, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute any and all documents that may be necessary to effectuate the sale and transfer of such surplus vehicles and vehicle bodies.

* See next two (2) pages for list and proposal

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AUCTION VEHICLES 1988

VEHICLE #	MAKE	MODEL	SERIAL #	YEAR
1	Dodge	Diplomat	2B3BG2641DR195811	1983
2	Dodge	Diplomat	2B3BG2643DR195809	1983
3	Dodge	Diplomat	2B3BG2643DR195812	1983
4	Dodge	Diplomat	2B3BG26L8CR197271	1982
5	Chevrolet	Impala	2G1AL69H9C1267419	1982
6	Chevrolet	Impala	1G1AL69H9BJ259390	1981
7	Dodge	Diplomat	2B3BG2641DR195808	1983
8	Dodge	Diplomat	2B3BG26L2CR197265	1982
9	Plymouth	Gran/Fury	1P3BB2649HX703737	1987
10	Chevrolet	Stake-truck	CS3301137092	1970
11	Chevrolet	Stake-truck	CCE532V147587	1972
12	Sicard	Snow blower 7001 (Model B 1-3)		1962
13		2 gallon Dump bodies (model 500F)	15 feet in length	

Buffalo Thruway



Auto Auction, Inc.

(716) 892-2111

2727 BROADWAY
P.O. BOX 25
BUFFALO, NEW YORK 14225

September 1, 1988

Dear Sirs:

The Buffalo Thruway Auto Auction is located at 2727 Broadway, about one mile west of the Cheektowaga Town Garage. We conduct an Auto Auction every Tuesday which attracts about five hundred qualified buyers. We are prepared to sell any vehicles the Town of Cheektowaga has, and will provide the following: a secured fenced in lot to display the vehicles, all advertising, both in local papers and by way of slingers which are sent to all of our qualified buyers, an auctioneer, all necessary paperwork. These vehicles will be offered at an auction which is open to the public. We will be able to provide all of the above for the cost to the Town, of Twenty Five dollars (\$25.00) per vehicle sold. Our past record should indicate to the Town we are able to sell these vehicles with the highest return to the Town.

The following is a list of what we have to offer:

1. The location is approximately 1 mile, which in labor cost of moving is very important.
2. We send out mailers to over 2,000 Dealers in Western New York, Northern Pennsylvania, announcing your sale.
3. We have approximately 500 people on Auction Day.
4. We have a fenced in secured yard, to display vehicles and equipment.
5. Professional auctioneer that specializes in weekly selling.
6. Advertising in the local paper as well as the Buffalo News.
7. Security guard the day of the sale.
8. Full time office staff to answer any questions for buyers before the sale.

Gentlemen, to run this sale if you did not have my facilities you would have a net cost of approximately, \$2,000.00, which is more than I am charging the Town.

Respectfully Yours,

A handwritten signature in cursive script that reads "Thomas W. Hammar".

Thomas W. Hammar

MEETING NO. 20
September 19, 1988

Item No. 21 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	1910.4711 (Contingency)	\$53,355.07
TO:	1440.4594 (P.I.P. Consultants)	\$53,355.07
FROM:	8540.4587 (Weed Control)	\$ 9,695.69
TO:	8540.4585 (Scajaquada Creek Erosion)	\$ 9,695.69

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to September 19, 1988 are hereby approved and made a part thereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$231,053.70
HIGHWAY FUND	43,476.20
CAPITAL FUND	310,526.82
TRUST & AGENCY FUND	1,653.06
PART TOWN FUND	2,273.31
HUD RENTAL REHAB. FUND	1,035.00
RISK RETENTION FUND	1,663.32
SPECIAL DISTRICT FUND	181,547.04
	<u>\$773,793.26</u>

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Cheektowaga Planning Board - Minutes of August meeting
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 24 N.Y.S.D.O.T. - letter regarding access to qualifying system as
Designated 15 NYCRR
Copies sent to: Frank E. Swiatek, Supervisor; Cheektowaga Town
Board; Chris Kowal, Highway Superintendent
Received and Filed.

MEETING NO. 20
September 19, 1988

- Item No. 25a Notice of Claim - Kim Evans vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Ron Zoeller, Working Foreman-Sanitation Department; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 25b Notice of Claim - Mark J. & Sandra Nizinkiewicz vs Town of Chktg.
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Chester Bryan, Town Engineer; Ron Marten, Supervising Building and Plumbing Inspector; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 25c Notice of Claim - Dawn Vulaj vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Chester Bryan, Town Engineer; Ron Marten, Supervising Building & Plumbing Inspector; Laverack & Haines, Insurance Carrier.
Received and Filed.
- Item No. 25d Notice of Claim - Amica Mutual Ins. Co./Kevin Flanigan vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Ron Zoeller, Working Foreman-Sanitation Department; Laverack & Haines, Insurance Carrier.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak to suspend the rules to include the following two (2) items.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, a seminar on recycling and composting of solid waste will be held at the 7th National Recycling Congress meeting from September 27th-28th, 1988 in St. Paul, Minnesota, and

WHEREAS, information provided at such seminar would be valuable to the Town Sanitation Department, and

WHEREAS, Ronald C. Zoeller, Foreman of the Town Sanitation Department has requested permission to attend this seminar, and

WHEREAS, the Erie County Northeast Solid Waste Management Board has stated that it will pay 50% of Mr. Zoeller's costs for attending this seminar, NOW, THEREFORE, BE IT

RESOLVED that Ronald C. Zoeller be and hereby is authorized to attend the aforementioned seminar from September 27-28, 1988, and BE IT FURTHER

MEETING NO. 20
September 19, 1988

Item No. 26 cont'd

RESOLVED that the Town shall reimburse Mr. Zoeller for the Town's share of his reasonable and necessary costs associated with attending such seminar out of the Town budget, line item No. 1910-4-0-4082-001.

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN GABRYSZAK TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

and the amended resolution is as follows:

Motion by Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, a seminar on recycling and composting of solid waste will be held at the 7th National Recycling Congress meeting from September 27th-28th, 1988 in St. Paul, Minnesota, and

WHEREAS, information provided at such seminar would be valuable to the Town Sanitation Department, and

WHEREAS, Ronald C. Zoeller, Foreman of the Town Sanitation Department has requested permission to attend this seminar, and

WHEREAS, the Erie County Northeast Solid Waste Management Board has stated that it will pay 50% of Mr. Zoeller's costs for attending this seminar, NOW, THEREFORE, BE IT

RESOLVED that Ronald C. Zoeller be and hereby is authorized to attend the aforementioned seminar from September 27-28, 1988, and BE IT FURTHER

RESOLVED that the Town shall reimburse Mr. Zoeller for the Town's share of his reasonable and necessary costs associated with attending such seminar out of the Town budget, line item No. 1910-4-0-4082-001, at a cost not to exceed \$350.00 as Cheektowaga's share.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 27 Motion by Supervisor Swiatek, Seconded by Councilman Solecki

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the reroofing of the office building at the Highway Department Garage, which bids were duly received and opened at a public bid opening called for that purpose, and

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

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

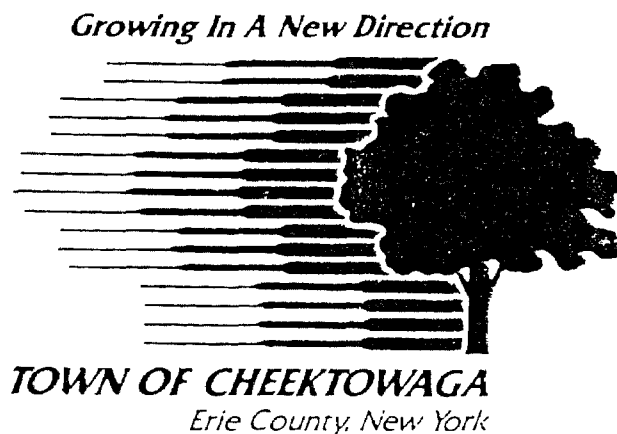
RESOLVED that the contract to reroof the office building at the Highway Department Garage be and the same is hereby awarded to J. L. Murray Company, Inc., 600 Cayuga Creek Road, Cheektowaga, New York 14227, said bid being the lowest meeting the requirements of the specifications.

* See next page for letter

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

September 19, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA



RE: Award of Bid, Reroofing
the Office Building at the
Highway Department Garage

Gentlemen:

At a public bid opening on September 19, 1988, bids were received and publicly opened for the reroofing of the Office Building at the Highway Department Garage, which bids are as follows:

<u>BIDDERS</u>	<u>ITEM 1</u>	<u>ALT. #1</u>	<u>ALT. #1A</u>	<u>ITEM 2</u>	<u>TOTAL BID PRICE</u>
J.L. Murray	\$9,325	\$2,485	\$2,400	\$1,375	\$15,585
Draper	\$9,675	\$2,385	\$1,800	\$1,953	\$15,813
Jemco	\$10,125	\$2,970	\$2,800	\$1,500	\$17,395
Sanders	\$11,880	\$2,790	\$2,762	\$1,757	\$19,189
All Weather	\$10,710	\$3,015	\$3,600	\$2,270	\$19,595
Carmody	\$9,800	\$12,500	\$1,250	\$1,600	\$12,650 *

*Misinterpretation of bid requirements wherein the total bid price does not reflect the sum of Items 1, Alt. #1, Alt. #1A and Item 2 necessitating rejection of the bid. The sum of total bid price is actually \$25,150.00.

It is, therefore, recommended that the bid be awarded to J.L. Murray Company, Inc., 600 Cayuga Creek Road, Cheektowaga, New York 14227 for submitting the lowest total bid price in the amount of \$15,585.00, said bid meeting all the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Henry Borkowski
Henry Borkowski
Engineering Aide

HB:dms

MEETING NO. 20
September 19, 1988

Item No. 27 cont'd

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Jaworowicz, Seconded by Councilman Johnson
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk