

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of October, 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; Sam La Greca, Employment and Training Director II; Robert Lis, Chief of Police; Ron Marten, Building Inspector; Ralph Majchrowicz, Director of Administration and Finance; and Leonard Szymanski, Acting Foreman of Facilities Department, Maintenance Division.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on September 19, 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:

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

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

Item No. 2 Cont'd.

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.

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..... OCT 13 1988 ;
last publication..... OCT 13 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{13th}.....

day of~~October~~....., 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 3rd day of October, 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. Jaworwicz
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, this Town Board held a public hearing on September 19, 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 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

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

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 Jaworwicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

vened, the place where such meeting was held and the members of said Board who attended said meeting

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 3rd day of October, 1988.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 13, 1988

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFIED 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 October 3, 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 meeting of said Board, and such minutes appear at item 2, 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 con-

MEETING NO. 21
October 3, 1988

Item No. 3a Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 1989 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, and

WHEREAS, this Town Board has assessed the Special District costs on a benefit basis against the costs of parcels of land against which the improvement was chargeable, and

WHEREAS, this Town Board has prepared an assessment roll for each district describing each lot of land in the district, the owner thereof, and the assessment levied against it, and

WHEREAS, this Town Board has filed such estimates and assessment rolls with the Town Clerk, NOW, THEREFORE, BE IT

RESOLVED that this Town Board shall meet at 7:00 o'clock P.M., Eastern Daylight Saving Time on the 26th day of October 1988 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED that the Town Clerk give notice of such public hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES the newspaper having a general circulation within the Town on October 13, 1988.

* * * * *

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE is also given that a public hearing on such Estimates and Assessment Rolls will be held on October 26, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Town Hall, corner of Union and Broadway, at which time the Town Board will met to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

RICHARD M. MOLESKI
Town Clerk

DATED: October 3, 1988

PUBLISHED: October 13, 1988

* * * * *

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE
PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE is also given that a public hearing on such Estimates and Assessment Rolls will be held on October 26, 1988 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Town Hall, corner of Union and Broadway, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 13, 1988

Item No. 3b Motion by Councilman Johnson Seconded by Councilman Solecki

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 October 17, 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 6th day of October, 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 October 17, 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>
LeHavre Dr.	East-West	Barbados Dr.	Northbound	S.E. Corner
LeHavre Dr.	East-West	Barbados Dr.	Southbound	N.W. Corner

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

Dated: October 3, 1988

* * * * *

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

**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 October 17, 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

LeHarve Dr.

Direction

East-West

Entrance Street

Barbados Dr.

Traffic Stops

Northbound

Sign Location

S.E. Corner

Street

LeHarve Dr.

Direction

East-West

Entrance Street

Barbados Dr.

Traffic Stops

Southbound

Sign Location

N.W. Corner

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK
PUBLISH: October 6, 1988**

MEETING NO. 21
October 3, 1988

Item No. 3c Call for Public Hearing for Amendment to Zoning Ordinance
This item was withdrawn.

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

WHEREAS, bids were received by the Town on August 15, 1988 for the South U-Crest Ditch Construction Project, which project can not be started until easements are obtained from two (2) property owners, and

WHEREAS, the low bidder was requested to hold his bid price beyond the required forty-five (45) day period until easements are obtained and said low bidder, Toro Construction Co., indicated that they planned on starting work immediately and, therefore, refused to extend their bid beyond the 45 day period, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board accepts the recommendation of the Town Engineer that all bids, as submitted, for the South U-Crest Ditch Construction Project are hereby rejected with no bid award to be made at this time.

Upon Roll Call....

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

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

WHEREAS, after advertisement therefor, bids were duly received on September 30, 1988 for One New and Unused 1989 Model, Two (2) Wheel Drive Mini-Van for use by the Highway Department, and

WHEREAS, the Town Highway Superintendent has reviewed and evaluated such bids and has recommended that such bid be awarded to Bison Ford Truck Sales Inc. being the only bidder submitting and meeting specifications for One (1) New and Unused 1989 Ford, Two (2) Wheel Drive Mini-Van, for a total bid price, after trade-in, of \$11,338.00, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the bid for a new and unused 1989 Ford Mini-Van Two Wheel Drive be and hereby is awarded to Bison Ford Truck Sales, Inc., 2370 Walden Avenue, Buffalo, New York 14225, at a net price after trade-in of \$11,338.00.

Upon Roll Call....

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

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

WHEREAS, after advertisement therefor, bids were duly received on September 30th, 1988 for one (1) New and Unused, 1989 Model, (3/4) Ton Van for use by the Highway Department, and

WHEREAS, the Town Highway Superintendent has reviewed and evaluated such bids and has recommended that such bids be awarded to Bison Ford Truck Sales, Inc., being the only bidder submitting and meeting specifications for One (1) New and Unused 1989 Ford (3/4) Ton Van, for a total bid price, after trade-in of \$11,495.00, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the bid for a new and unused 1989 Ford (3/4) Van be and hereby is awarded to Bison Ford Truck Sales, Inc., 2370 Walden Avenue, Buffalo, NY 14225, at a net price after trade-in of \$11,495.00.

Item No. 5b Cont'd.

Upon Roll Call....

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

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

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of Regular, Unleaded and Premium Unleaded Gasoline for use by the Town of Cheektowaga Central Garage. Information for bidders and specifications may be obtained from the office of the Town Clerk, Broadway and Union Roads, Cheektowaga, NY 14227, 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 October 14, 1988 at the Cheektowaga Town Hall Council Chambers.

TOWN OF CHEEKTOWAGA CENTRAL GARAGE

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Central Garage will receive proposals for Regular, Unleaded & Premium Unleaded Gasoline at a public bid opening October 14, 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 the Town Clerk, Broadway and Union Roads, Cheektowaga, New York 14227. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR REGULAR, UNLEADED & PREMIUM UNLEADED GASOLINE."

Non-collusion forms must be signed and submitted with each bid.

RICHARD M. MOLESKI, Town Clerk

DATED: October 3, 1988

PUBLISHED: October 6, 1988

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
CENTRAL GARAGE
LEGAL NOTICE TO BID-**

BIDDERS

NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Central Garage will receive proposals for Regular, Unleaded & Premium Unleaded Gasoline at a public bid opening October 14, 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 the Town Clerk, Broadway and Union Roads, Cheektowaga, New York 14227. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR REGULAR, UNLEADED & PREMIUM UNLEADED GASOLINE".

Non-collusion forms must be signed and submitted with each bid.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: October 6, 1988

MEETING NO. 21
October 3, 1988

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

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") is constructing a regional shopping center in the Town of Cheektowaga known as the Walden Galleria (the "Project"), and

WHEREAS, the loss of wildlife habitat which will result from the full development of the Project has been addressed in a "Wildlife Mitigation Plan" offered by the Applicant, dated January, 1988 and amended June, 1988, which Mitigation Plan requires the purchase and conveyance to the Town of Cheektowaga a 12.93 acre tract of land lying along Cayuga Creek with approximately 2,200 feet of creek frontage for wildlife preserve purposes (the "Parcel"), and which Mitigation Plan has been accepted and approved by the New York State Department of Environmental Conservation ("NYSDEC") and the Town of Cheektowaga (the "Town") and agreed by NYSDEC and the Town to resolved the loss of wildlife habitat along Scajaquada Creek resultant from the full development of the Project, and

WHEREAS, pursuant to the State Environmental Quality Review Act, this Town Board was designated as lead agency for such Project, and

WHEREAS, in its Findings Statement pertaining to the Project, this Town Board required, as Approval Condition and Mitigation Measure (y), that the applicant purchase and convey to the Town, or other governmental agency, the Parcel for the purposes discussed above, and

WHEREAS, the Applicant has negotiated an agreement to purchase the Parcel from the Estate of Victor Reinstein at a purchase price of \$38,790.00, which agreement has been executed by the Estate and submitted to this Town Board for approval of authority for the Supervisor to execute same, and

WHEREAS, the Town Attorney has approved the form of such agreement,
NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Agreement of Purchase and Sale on behalf of the town, and ~~BE~~ IT FURTHER

RESOLVED that this Town Board hereby acknowledges that, upon the conveyance of the property described in the attached Agreement of Purchase and Sale to the Town, the Applicant has fully complied with Approval Condition and Mitigation Measure (y) of the Findings Statement.

Upon Roll Call....

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

Item No. 8a Memorialize State Legislature and Governor to appropriate money to enable DOT to purchase and plant trees along Broadway
This item was withdrawn.

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

WHEREAS, on March 15, 1988, a Special Election was held for the purpose of filling a vacancy in the position of State Assemblyman in the 143rd District, and

WHEREAS, funding for such Special Election was not included in the Town's 1988 budget since the vacancy occurred after the Town budget was adopted, and

WHEREAS, the Town Clerk has informed this Board that the cost to the Town for such special election was \$43,105.85, and

WHEREAS, by resolution dated June 20, 1988, this Town Board memorialized the State to reimburse the Town for the costs of this special election, and

Item No. 8b Cont'd.

WHEREAS, the State Board of Elections has notified the town that the law does not permit the State to reimburse towns for expenses incurred as a result of a special election called by the Governor, and

WHEREAS, this Town Board feels that the State should assume the costs for special elections called by the Governor, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the State Legislature and Governor Cuomo to amend the State Election Law to require the State Board of Elections to pay costs associated with the holding of a special election called by the Governor, and BE IT FURTHER

RESOLVED that the Town Clerk forward certified copies of this resolution to Governor Mario Cuomo, Assemblyman Paul Tokasz, Senator Dale Volker and to 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. 9 Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, elected officials throughout the United States are proclaiming October of 1988 as Polish American Heritage Month; and

WHEREAS, this Town Board, on behalf of all of the residents of the Town of Cheektowaga, wishes to recognize those Americans of Polish descent, past and present, for the cultural and technological contributions they have made to our community in particular and our country in general;

NOW, THEREFORE, BE IT RESOLVED that the month of October, 1988 be and it hereby is proclaimed Polish American Heritage Month in the Town of Cheektowaga.

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 Jaworowicz

WHEREAS, the Losson Park Village Subdivision was approved by this Town Board at the September 6, 1988 Town Board Meeting, which subdivision construction requires the contractor to install a 12" water line along Towers Boulevard as required and in accordance with the specifications of the Erie County Water Authority and as shown on the subdivision drawings approved by this Town Board, and

WHEREAS, the construction of the 12" water line will provide a connection between the Erie County water main along French Road and the Town Water District #9 water line along Losson Road, NOW, THEREFORE, BE IT

RESOLVED that this Town Board grants permission to Losson Park Village, Inc. to effect the connection of their 12" Towers Boulevard water main to the Town Water District #9 Losson Road water main, as recommended by the Town Engineer.

Upon Roll Call....

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

MEETING NO. 21
October 3, 1988

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

WHEREAS, a subdivision known as Woodlands at the Park was approved by resolution passed by this Town Board on September 19, 1988; and

WHEREAS, such resolution of approval stated that the said subdivision consisted of 32 lots, when in fact only 31 lots comprise such subdivision; and

WHEREAS, a subdivision map made by Millard & McKay, Engineers and Planners, shows ingress to and egress from the subdivision from Como Park Boulevard, a county highway, to Countryside Lane, a proposed town highway, over a County of Erie or a Town of Cheektowaga right of way.

NOW, THEREFORE, BE IT RESOLVED that the resolution approving Woodlands at the Park Subdivision passed by this Town Board on September 19, 1988, be and it hereby is amended by correcting its description as a 32 lot subdivision to a 31 lot subdivision, and BE IT FURTHER

RESOLVED that the owners and developers of Woodlands at the Park, their agents and/or contractors, be and hereby are granted a license to enter upon the aforesaid town property, if any, for the purposes of ingress to and egress from the said subdivision, and for the construction of all subdivision betterments and improvements, including the construction of Countryside Lane and its access to Como Park Boulevard.

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 Kulyk

WHEREAS, sports and other recreational activities are of great interest and concern to the residents of this town, and

WHEREAS, this Town Board wishes to gain insight into the needs of our constituents for sports and recreational facilities and activities, and

WHEREAS, in order to accomplish this objective, this Town Board desires to establish a panel to investigate and report back to this town Board its findings with respect to sports and recreational activities and facilities desired by our constituents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes the Cheektowaga Ad Hoc Sports Committee, composed of the following individuals:

Herbert Niebergal	Henry Andrzejewski, Sr.	Matt Szydlowski
Gary Parks	William Rogowski	Waldemar Pawlowski
Len Kosobucki	John Abraham	John Pawlowski
Richard Wipperman	Gerald Kupkowski	Alvin Leuthe
		Frank Trawinski

and, BE IT FURTHER

RESOLVED, that the purpose of the Cheektowaga Ad Hoc Sports Committee shall include the following responsibilities:

1. review the needs of our constituents relating to recreation and sports;
2. make recommendations to this Town Board to ensure the use of Town recreational facilities to the fullest;
3. make recommendations to this Town Board with respect to lighting and direction of ball diamonds;
4. make recommendations to this Town Board with respect to an outdoor skating arena;
5. make recommendations to this Town Board with respect to the need for a small enclosed all-purpose stadium;
6. make recommendations to this Town Board with respect to the hours of operation of recreational facilities, especially during the summer months.

Item No. 12 Cont'd.

and, BE IT FURTHER

RESOLVED that such committee shall be formed effective January 1, 1989 and shall be disbanded effective August 31, 1989.

Motion by Councilman Gabryszak Seconded by Councilman Johnson to table 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

*THE ABOVE RESOLUTION WAS TABLED!

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

WHEREAS, H.O.M. Development Corp., the developer of Phase II of the Greenwood Village Subdivision submitted certified funds in the amount of \$5,000.00 which are currently being held in escrow by the Town, said funds being deposited to guarantee completion of outstanding subdivision improvements as a condition of subdivision acceptance, and

WHEREAS, H.O.M. Development Corp. has completed required improvements relating to the provision of street lighting and drainage improvements in conjunction with the development of Phase II of the subject subdivision, and

WHEREAS, H.O.M. Development Corp. has also entered into an Agreement with the Town of Cheektowaga as a condition of subdivision acceptance, said Agreement dated February 24, 1988, relative to financial participation for acquisition and professional fees associated in acquiring lands necessary to construct a sidewalk connecting Phase I and II of the Greenwood Village Subdivision, the aforesaid Agreement requiring that \$1,500.00 be placed in escrow with the Town, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$3,500.00 in escrow moneys being held by the Town in Account No. 06-0889-0000 be returned to H.O.M. Development Corp., AND, BE IT FURTHER

RESOLVED that the balance of the escrow funds, amounting to \$1,500.00 be retained by the Town until such time as the terms of the aforesaid Agreement dated February 25, 1988 relative to sidewalk construction are finalized.

Upon Roll Call....

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

Item No. 14 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the children of our community are entitled to the fun and excitement associated with "Halloween Night", including going from door to door in their immediate neighborhoods with their happy challenges of trick-or-treat; and

WHEREAS, it would appear that parents generally favor the early evening hours, since it tends to limit participation to the younger children, for whom the observance was originally intended and thereby discourages interference and disruption by the very small percentage of older children, who, under cover of darkness and with their identities concealed and costumes, might otherwise spoil the

Item No. 14 cont'd.

fun for the smaller children, NOW, THEREFORE, BE IT

RESOLVED that Monday, October 31, 1988 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:30 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

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 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 SCHEDULE.

Oct. 3, 1888

Renewal
TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Smerka, Kenneth S.	Hamburg, NY 14075	Town's Amb.	5/31/91

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 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 PAGE FOR SCHEDULE.

Oct. 3, 1988

NEW

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Gretka, Stanley G.	Hamburg, N.Y. 14075	Town's Amb.	5/31/91
Herr, James J.	Buffalo, NY 14211	Gold Cross	1/31/91
Soeder, Michael K.	Alden, New York 14004	Town's Amb.	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. 16a 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 at 5 French Road, Cheektowaga, New York, SBL #124.02-2-14 and according to the Assessor's Office is owned by Louis P. Galanes, Buffalo, New York, and

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 16b 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 465 French Road, Cheektowaga, New York, SBL #125.09-7-1 and according to the Assessor's Office is owned by Mobil Oil Corporation, c/o Property Tax Division, P.O. Box 290, Dallas, Texas, 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. 17 Motion by Councilman Gabryszak Seconded by Councilman Kulyk

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:

Item No. 17 Cont'd.

EFFECTIVE

FACILITIES DEPARTMENT

Richard Coffta	9/22/88
Justin Enders	10/3/88
Steven Rutkowski	10/3/88
Anthony Schubert	10/3/88
Walter Gardon	10/3/88
James Ralph	10/3/88
Matthew Hunneshagen	10/3/88
Mark Urbanski	10/3/88

SEWER MAINTENANCE DEPARTMENT

Scott Chamberlin	9/19/88
------------------	---------

POLICE DEPARTMENT - SUBSTITUTE SCHOOL CROSSING GUARDS

Patricia Kantor	Immediately
James Burns	Immediately

Upon Roll Call....

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

Item No. 18 Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following be hired by the Cheektowaga Recreation Department to assist in conducting its 1988-89 winter programs.

HOCKEY PROGRAM SUPERVISORS - Rink Personnel A7140.1611 \$5.00 per hour

Matthew Bean
Michael Bogdan
Norbert Rzeski

RINK GUARD SUPERVISOR - A7140.1611 \$4.00 per hour

Robert Kowalewski
Dean Lach

RINK GUARD ATTENDANTS - A7140.1611 \$3.35 per hour

Keith Bova
Maurice Desjardins
John Flynn
Robert Kowalewski
Jay Meyers
Todd Meyers
Eugene Pytlewski
Roy Schneiderman
David Weber
Lisa Szymkowiak
Colleen Witucki
Paul Dennis

COMMUNITY CENTER SUPERVISOR - A7140.1612 \$5.00 per hour

Susan Ciezak
Mary Lou Czajka
Mary Kryszczak
Bernard Ruda

Item No. 18 cont'd.

RECREATION INSTRUCTORS - A7140.1612 \$5.00 per hour

Laila Desjardins
Thomas Kazmierczak III
Beverly Nowicki
Melissa Prorok
Jeffrey Schneider
Nancy Szymkowiak

COMMUNITY CENTER RECRATION LEADERS - A7140.1612 \$4.00 per hour

Barbara Coia
Gregory Florczak
Lisz Kostelny
Jenny Krier
Elaine Myszka
Nadine Verga
Corinne Wirth
Timothy Wrotny
Mary E. Seivert

COMMUNITY CENTER RECREATION ATTENDANTS - A7140.1612 \$3.50 per hour

Domenica Cimato
Rachelle Wiseman
Carmella Zuccaro

WRESTLING INSTRUCTOR - SCHOOL PROGRAM - A7140.1615 \$5.00 per hour

Matthew Haberl

SYNCHRONIZED SWIM SUPERVISOR - A7140.1615 \$5.00 per hour

Michelle Kunkel

LIFE GUARDS - SCHOOL SWIM PROGRAM - A7140.1615 \$3.50 per hour

Gregory Czarnecki
Douglas Kenjockety

LIFEGUARD SUPERVISOR - SSCHOOL SWIM PROGRAM - A7140.1615 \$5.00 per hour

Kevin Kuehmeier

Motion by Councilman Solecki Seconded by Councilman Kulyk to table 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

*THE ABOVE RESOLUTION WAS TABLED!

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

WHEREAS, Raymond Nowak worked as a seasonal employee in the Sewer Maintenance Department and was terminated from such position, effective September 6, 1988, and

MEETING NO. 21
October 3, 1988

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

WHEREAS, a Fire/Arson Investigation Seminar will be conducted on October 21-23, 1988 in Montour Falls, New York, and

WHEREAS, a course entitled "Interviewing Techniques for the Fire Investigator" will be offered at such seminar, and

WHEREAS, the cost for registration fee and lodging for such seminar is \$75.00 per person, NOW, THEREFORE, BE IT

RESOLVED that the following officers be and hereby are authorized to attend the aforementioned Fire/Arson Investigation Seminar:

Dennis Gibbs
Ronald Jakubowski

and, BE IT FURTHER

RESOLVED that such officers shall be authorized to use a police department vehicle to travel to and from said seminar, and BE IT FURTHER

RESOLVED that the town shall reimburse such officers for the cost of the seminar in a total not to exceed \$150.00 to be taken from budget line item 001910-4082, "Travel and Conference".

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 transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	01-0599.0000	(Appropriated Fund Balance)	\$150,000.00
	01-1910.4711	(Contingency)	2,700.00
	01-1910.4711	(Contingency)	76,634.00
	01-1910.4711	(Contingency)	29,908.69
TO:	01-1910.4711	(Contingency)	150,000.00
	01-3120.4085	(Local Education Expense)	2,700.00
	01-9010.8101	(Retirement)	76,634.00
	01-1440.4595	(P.I.P. Consultants)	29,908.69

SPECIAL DISTRICT FUND

FROM:	25-8135.8101	(Retirement-Main Pump Station)	4,926.00
TO:	25-8125.8101	(Retirement-Sewer Maintenance)	4,926.00
FROM:	50-8125.4438	(Sewer Repairs)	2,000.00
	50-8125.4438	(Sewer Repairs)	5,000.00
TO:	40-8124.4972	(Alpine Utilities)	2,000.00
	50-8125.4431	(Equipment Repairs)	5,000.00

Upon Roll Call....

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

MEETING NO. 21
October 3, 1988

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 October 3, 1988 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$140,817.85
HIGHWAY FUND	74,071.18
CAPITAL FUND	81,450.63
TRUST & AGENCY FUND	831.28
HUD FUND	22,429.89
PART TOWN FUND	864.45
HUD RENTAL REHAB. FUND	850.00
RISK RETENTION FUND	44,218.61
DEBT SERVICE FUND	465,935.60
SPECIAL DISTRICT FUND	124,872.83
	<u>\$956,342.32</u>

Motion by Supervisor Swiatek Seconded by Councilman Johnson to amend the above resolution by including a voucher of \$25,000, 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 vouchers and warrants submitted to the Town of Cheektowaga prior to October 3, 1988 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$165,817.85
HIGHWAY FUND	74,071.18
CAPITAL FUND	81,450.63
TRUST & AGENCY FUND	831.28
HUD FUND	22,429.89
PART TOWN FUND	864.45
HUD RENTAL REHAB. FUND	850.00
RISK RETENTION FUND	44,218.61
DEBT SERVICE FUND	465,935.60
SPECIAL DISTRICT FUND	124,872.83
	<u>\$981,342.32</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. 24 Authorization for Supervisor to execute agreement with DAV, Chapter 150, Inc.
The above resolution failed due to Councilman Solecki's withdrawal of his second.

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 25 Supervisor's Statement of Funds
Received and filed.
- Item No. 26 Building Permits
Received and filed.

IV. GENERAL COMMUNICATIONS

- Item No. 27 Summons and Complaint: Susan and Richard Kozlowski 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. 28a Summons and Complaint: David Speiss as parent of Dwayne Speiss 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; Laverack & Haines, Town's Insurance Carrier; James Matecki, Foreman, Facilities Department; Michael Miecznikowski, Recreation Director.
Received and filed.
- Item No. 28b Notice of Claim: Jerome Vollmer 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; Laverack & Haines, Town's Insurance Carrier; Christopher Kowal, Highway Superintendent.
Received and filed.
- Item No. 28c Notice of Claim: Donna Schwendler 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; Laverack & Haines, Town's Insurance Carrier; Christopher Kowal, Highway Superintendent; and James Burst, Foreman, Sewer Maintenance Department.
Received and filed.
- Item No. 28d Notice of Claim: Henry Nadolny 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; Laverack & Haines, Town's Insurance Carrier; and James Burst, Foreman, Sewer Maintenance Department.
Received and filed.

Item No. 28e Notice of Claim: Amy Pedacchio 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; Laverack and Haines, Town's Insurance
Carrier; and James Burst, Foreman, Sewer Maintenance Department.
Received and filed.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Kulyk to suspend
the rules to include the following four (4) items, and the voting was as follows:

Upon Roll Call....

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

* * * * *

V. SUSPENSION OF RULES

Item No. 29 Decision on Special Use Permit: 1249 Walden Avenue

Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, John and Angelina Valenti have applied for a special permit
for the use of premises owned by them at 1249 Walden Avenue as a four (4) bay self-
service car wash; and

WHEREAS, on May 2, 1988, this Town Board adopted a resolution
denying the aforesaid application for a special use permit; and

WHEREAS, the Valentis commenced a special proceeding against the
Town in the State of New York Supreme Court to review this Board's determination;
and

WHEREAS, the Hon. Leo J. Fallon, Justice, Supreme Court, by a deci-
sion dated August 11, 1988, annulled this Board's determination and directed the
issuance of the requested special use permit, subject to the imposition of "any
reasonable conditions consistent with the Zoning Ordinance"; and

WHEREAS, this Board considered the compatibility of the aforesaid
proposed use with the Walden Avenue Revitalization Program and with existing uses,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the decision of
State Supreme Court Justice Leo J. Fallon, the special use permit application of
John and Angelina Valenti for premises at 1249 Walden Avenue be and hereby is
granted subject to the following conditions:

1. the operation of the car wash is restricted to the hours of 7:30
a.m. to 10:00 p.m.,
2. the erection of a solid fence along the east property line,
3. the erection of a guard rail along the west property line,
4. the installation of a grease/oil separator pursuant to the State
Plumbing Code,
5. the installation of all lighting shall be such as to be shielded
in such a way as to not shine directly on any adjacent
residences
6. the proposed vacuum islands be moved to the rear of the site to
eliminate congestion at the exit,
7. the submission of a landscape plan to coordinate the frontage of
this property with other development along Walden Avenue, said

Item No. 29 Cont'd.

plan being approvable by Stuart Alexander, the Town's Planning Consultant for the Walden Revitalization Program, a Federal project.

8. that the owners undertake good faith negotiations with the Town's Planning Consultant to define a convenient, accessible and shared future right-of-way to the proposed light industrial park to the south of this property.

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..... OCT 06 1988 ;
last publication..... OCT 06 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 6th

day of October, 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~~

them at 1249 Walden Avenue as a four (4) bay self-service car wash; and

WHEREAS, on May 2, 1988, this Town Board adopted a resolution denying the aforesaid application for a special use permit; and

WHEREAS, the Valentis commenced a special proceeding against the Town in the State of New York Supreme Court to review this Board's determination; and

WHEREAS, the Hon. Leo J. Fallon, Justice, Supreme Court, by a decision dated August 11, 1988, annulled this Board's determination and directed the issuance of the requested special use permit, subject to the imposition of "any reasonable conditions consistent with the Zoning Ordinance"; and

WHEREAS, this Board considered the compatibility of the aforesaid proposed use with the Walden Avenue Revitalization Program and with existing uses,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the decision of State Supreme Court Justice Leo J. Fallon, the special use permit application of John and Angelina Valenti for premises at 1249 Walden Avenue be and hereby granted subject to the following conditions:

1. the operation of the car wash is restricted to the hours of 7:30 a.m. to 10:00 p.m.
2. the erection of a solid fence along the east property line,
3. the erection of a guard rail along the west property line,
4. the installation of a grease/oil separator pursuant to the State Plumbing Code,
5. the installation of all lighting shall be such as to be shielded in such a way as to not shine directly on any adjacent residences,
6. the proposed vacuum islands be moved to the rear of the site to eliminate congestion at the exit,
7. the submission of a landscape plan to coordinate the frontage of this property with other development along Walden Avenue, said plan being approvable by Stuart Alexander, the Town's Planning Consultant for the Walden Revitalization Program, a Federal project.

8. that the owners undertake good faith negotiations with the Town's Planning Consultant to define a convenient, accessible and shared future right-of-way to the proposed light industrial park to the south of this property.

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 CERTIFIED 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 October 3, 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 meeting of said Board, and such minutes appear at item 29, 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 4th day of October, 1988.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 6, 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 3rd day of October, 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
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 Kulyk
WHEREAS, John and Angelina Valenti have applied for a special permit for the use of premises owned by

MEETING NO. 21
October 3, 1988

Item No. 30 Designation of October 9-16, 1988 as Fire Prevention Week

Motion by Councilman Johnson Seconded by Unanimous

WHEREAS, the Town of Cheektowaga Volunteer Fire Districts have designated October 9-16 as Fire Prevention Week in the town, and

WHEREAS, it is the purpose of Fire Prevention Week to enhance the awareness of fire prevention techniques at home, in school, and at the workplace, and to improve the public's understanding of the fire prevention facilities in the town through the Volunteer Fire Districts, and

WHEREAS, programs are undertaken throughout the Town in schools and at fire companies to educate both students and property owners, and

WHEREAS, it is the town Board's intention to support such an educational process in every way possible and to focus the public's attention on the programs available during Fire Prevention Week, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that October 9-16, 1988, be and hereby is proclaimed as Fire Prevention Week in the Town of Cheektowaga.

Upon Roll Call....

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

Item No. 31 Authorize Town Highway Superintendent to provide equipment and operators to re-surface parking lot adjacent to Rescue Hall Building on Randolph Street near Doat.

Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the Rescue Fire Company #1 has requested the Town Board to authorize the Town Highway Superintendent to permit the use of town highway machinery, tools and equipment within the town by such Fire Company, and

WHEREAS, Section 142-b of the Highway Law of the State of New York authorized the use of town highway machinery, tools and equipment within the town by a fire district, upon such terms as may be agreed upon by the Town Board and the governing board of such fire district, and

WHEREAS, it appears that the Town may rent its equipment and operators for such equipment for such purposes provided the Town is reimbursed for their use, and

WHEREAS, the Town shall not, however, provide material and other labor connected therewith, therefore, ~~BE~~ IT

RESOLVED that the Town of Cheektowaga Board Members hereby authorized the Town Highway Superintendent to provide the essential equipment and operators thereof for the purpose of resurfacing the parking lot adjacent to the Rescue Hall building on Randolph Street near Doat Street, on the terms and conditions specified in the communication of the Town Superintendent of Highways dated October 3rd, 1988, and the communication of the President of the Rescue Fire Co. #1, which are appended hereto and made a part hereof.

*SEE NEXT TWO (2) PAGES FOR LETTER FROM SUPERINTENDENT OF HIGHWAY AND LETTER TO PRESIDENT OF RESCUE FIRE CO. #1

CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

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

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

October 3, 1988

Rescue Hose Company #1
72 Randolph Avenue
Cheektowaga NY 14211

Gentlemen:

After discussion with your President, it has been agreed mutually that the Town of Cheektowaga Highway Department will pave parking lot adjacent to Rescue Hall on Randolph Street and Doat Street.

It has been agreed that the Town will use its own equipment and labor and be reimbursed by the fire company for the labor. Any materials used in this project will be billed and paid direct by the fire company.

As agreed upon with the Highway Superintendent, the fire company will provide a Certificate of Insurance for any liability incurred during construction of same.

If the Rescue Fire Company #1 decides that the above is agreeable, I would appreciate the agreement to be signed below so that this project can be started as soon as possible.

Very truly yours,

TOWN OF CHEEKTOWAGA

CHRISTOPHER J. KOWAL
HIGHWAY SUPERINTENDENT

RONALD KOZELL. PRESIDENT
RESCUE HOSE COMPANY #1

CJK:erp

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

CHRISTOPHER J. KOWAL
SUPERINTENDENT OF HIGHWAYS

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

Growing In A New Direction



TOWN OF CHEEKTOWAGA

Erie County, New York

October 3, 1988

SUPERVISOR FRANK E. SWIATEK
TOWN BOARD MEMBERS
CHEEKTOWAGA NY 14227

Re: Paving Rescue Fire Company Parking Lot

Dear Town Board Members:

I am requesting your Honorable Board Members to give me authorization to resurface parking lot adjacent to Rescue Hall on Randolph near Doat Street.

I has been mutually agreed with Highway Superintendent and Ronald Kozell, President of Rescue Hose Company #1 that they will assume the cost of labor and reimburse the Town, and pay direct to the supplier for the material used. They have also agreed to provide the Town with a Certificate of Insurance for any liability incurred during construction of same, copy of which is hereto attached.

I trust this will meet with your kind approval.

Very truly yours,

CHRISTOPHER J. KOWAL
HIGHWAY SUPERINTENDENT

CJK:exp

Residence: 61 St. Felix Avenue • Cheektowaga, N.Y. 14227 • (716) 895-8184
Promoting Pride - Progress - Professionalism!

Item No. 31 Cont'd.

Upon Roll Call....

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

Item No. 32 Application for energy grant

Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga has received a notification of funding availability from the New York State energy Office pertaining to 50% matching funds to conduct technical assistance studies in conjunction with energy conservation and improvements, and

WHEREAS, the Town of Cheektowaga is desirous of implementing a program to reduce annual energy consumption in town-owned buildings thereby reducing annual energy costs, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that Robert J. Miller and Associates, Inc. is requested to prepare applications for funding from the New York State Energy Office for the Town of Cheektowaga Ice Arena, Town Hall and Police Court Building and submit said applications to the New York State Energy Office for consideration, and ~~BE~~ IT FURTHER

RESOLVED that the Town of Cheektowaga will authorize payment of technical assistance study matching funds not to exceed amount of \$5,000.

Upon Roll Call....

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

Item No. 33 Motion by Councilman Johnson Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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F R O M T H E T A B L E

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	<u>Meeting No. 22 October 17, 1988</u>	
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GENERAL COMMUNICATIONS

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No. 22

No. 23

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

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33	Memorialize State Legislature and Governor to appropriate moneys to enable DOT to purchase and plant trees along Broadway	30
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No. 22

No. 23

No. 24

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th day of October, 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; Ron Marten, Building and Plumbing Inspector; Robert Lis, Chief of Police; Christopher Kowal, Highway Superintendent; Ralph Majchrowicz, Director of Administration and Finance; Chester Bryan, Town Engineer; Sal LaGreca, Employment and Training Director II, Town Planning Chairman; Jackie Blachowski.

I. PUBLIC HEARING

Item No. 2 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>
LeHavre Dr.	East-West	Barbados Dr.	Northbound	S.E. Corner
LeHavre Dr.	East-West	Barbados Dr.	Southbound	S.W. Corner

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed. See Item No. 3 for decision.

II. RESOLUTIONS

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

WHEREAS, this Town Board held a public hearing on October 17, 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,

Item No. 3 cont'd

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

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
LeHavre Dr.	East-West	Barbados Dr.	Northbound	S.E. Corner
LeHavre Dr.	East-West	Barbados Dr.	Southbound	S.W. Corner

Section 2. Time to take effect.

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

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

Section 3. Territorial Application

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

Section 4. Publication.

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

Upon Roll Call....

AYES: Supervisor 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.....OCT 20 1988..... ;
last publication.....OCT 20 1988..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this20th.....

day ofOctober....., 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

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 CERTIFIED 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 October 17, 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 meeting of said Board and such minutes appear at item No. 3, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 17th day of October, 1988.

RICHARD M. MOLESKI
 Town Clerk

PUBLISH: October 20, 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 17th day of October, 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
 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 Gabryszak

WHEREAS, this Town Board held a public hearing on October 17, 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 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
 LeHavre Dr.
Direction
 East-West
Entrance Street
 Barbados Drive
Traffic Stops

Northbound
Sign Location
 S.E. Corner
 Street

LeHavre Dr.
Direction
 East-West
Entrance Street
 Barbados Drive
Traffic Stops

Southbound
Sign Location
 N.W. Corner

Section 2. Time to take effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

Item No. 4a Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

RESOLVED that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 1989, the itemized statement of estimated revenues and expenditures hereto attached and made a part of this resolution, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage Districts hereto attached and made a part of this resolution, AND, BE IT FURTHER

RESOLVED that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 20, 1988, AND BE IT FURTHER

RESOLVED that this Town Board shall meet at 7:00 o'clock P.M., Eastern Daylight Saving Time on the 26th day of October, 1988, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND BE IT FURTHER

RESOLVED that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published once in substantially the following form in the CHEEKTOWAGA TIMES, a newspaper having a general circulation within the Town, on October 20th, 1988, and be posted on the signboard maintained by the Town Clerk.

* * * * *

LEGAL NOTICE

of

PUBLIC HEARING

on

PRELIMINARY BUDGET

and

LIGHTING DISTRICTS and CONSOLIDATED GARBAGE DISTRICT BUDGETS

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 1989, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 7:00 o'clock P.M., Eastern Daylight Saving Time on the 26th day of October, 1988, and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

Item No. 4a cont'd

SUPERVISOR	\$49,407.00
TOWN CLERK	\$39,139.00
HIGHWAY SUPERINTENDENT	\$45,017.00
COUNCILMEN	\$16,029.00

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

RICHARD M. MOLESKI

DATED: October 19, 1987

PUBLISHED: October 29, 1987

* See next Twenty-three (23) pages for copy of Preliminary Budget

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

TOWN OF CHEEKTOWAGA
NEW YORK

1989

PRELIMINARY AD VALOREM BUDGET

GENERAL, GENERAL TOWN OUTSIDE VILLAGE,
HIGHWAY, RISK RETENTION,
CONSOLIDATED GARBAGE AND GENERAL LIGHTING FUNDS

TOWN OF CHEEKTOWAGA, NEW YORK
Preliminary AD VALOREM BUDGET
1989

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DATE 09-30-88

Preliminary BUDGET
1989

GENERAL FUND

TOWN BOARD

PERSONAL SERVICES	144,424.00
CONTRACTUAL EXPENSES	10,000.00

JUSTICE

PERSONAL SERVICES	327,760.00
EQUIPMENT	
CONTRACTUAL EXPENSES	32,400.00

SUPERVISOR

PERSONAL SERVICES	162,509.00
EQUIPMENT	
CONTRACTUAL EXPENSES	104,000.00

OUTSIDE ACCTG & AUDITING

CONTRACTUAL EXPENSES	25,000.00
----------------------	-----------

TAX COLLECTION

PERSONAL SERVICES	100,419.00
EQUIPMENT	
CONTRACTUAL EXPENSES	18,850.00

ASSESSOR

PERSONAL SERVICES	188,312.00
-------------------	------------

Preliminary BUDGET
1989

DATE 09-30-88

GENERAL FUND

EQUIPMENT
CONTRACTUAL EXPENSES 156,150.00

TAX ASSESSMENT BOARD

PERSONAL SERVICES 3,493.00
CONTRACTUAL EXPENSES 1,800.00

TOWN CLERK

PERSONAL SERVICES 213,886.00
CONTRACTUAL EXPENSES 51,500.00

ATTORNEY

PERSONAL SERVICES 61,325.00
EQUIPMENT
CONTRACTUAL EXPENSES 28,000.00

PERSONNEL

PERSONAL SERVICES 35,267.00
EQUIPMENT
CONTRACTUAL EXPENSES 20,500.00

ENGINEER

PERSONAL SERVICES 56,365.00
EQUIPMENT

DATE 09-30-88

Préliminary BUDGET
1989

GENERAL FUND

CONTRACTUAL EXPENSES 95,050.00

ELECTION

CONTRACTUAL EXPENSES 99,110.00

BUILDING MAINTENANCE

PERSONAL SERVICES 328,695.00

EQUIPMENT

CONTRACTUAL EXPENSES 331,350.00

CENTRAL GARAGE

PERSONAL SERVICES 75,137.00

EQUIPMENT

CONTRACTUAL EXPENSES 225,234.00

CENTRAL MAILING

PERSONAL SERVICES 5,476.00

SPECIAL ITEMS

CONTRACTUAL EXPENSES 576,500.00

COMMUNICATION SYSTEM

EQUIPMENT

CONTRACTUAL EXPENSES 23,721.00

POLICE DEPARTMENT

PERSONAL SERVICES 5,529,159.00

DATE 09-30-88

Preliminary BUDGET
1989

GENERAL FUND

EQUIPMENT
CONTRACTUAL EXPENSES 53,716.00

TRAFFIC CONTROL

CONTRACTUAL EXPENSES 107,200.00

CONTROL OF DOGS

PERSONAL SERVICES 63,509.00
CONTRACTUAL EXPENSES 13,560.00

TRAFFIC SAFETY COMMISSION

PERSONAL SERVICES 1,500.00
CONTRACTUAL EXPENSES 1,025.00

SUPERINTENDENT OF HIGHWAYS

PERSONAL SERVICES 83,968.00
EQUIPMENT

HIGHWAY GARAGE

CONTRACTUAL EXPENSES 79,030.00

JTPA--JOB TRAINING PROGRAM ACT

PERSONAL SERVICES 158,816.00
ALLOCATED FICA 11,928.00
ALLOCATED FRINGES 12,570.00
ALLOCATED WORKMANS COMP
ALLOCATED UNEMPLOYMENT
CONTRACTUAL EXPENSES 21,600.00

DATE 09-30-88

Preliminary BUDGET
1989

GENERAL FUND

PUBLICITY

CONTRACTUAL EXPENSES 27,000.00

VETERANS SERVICES

CONTRACTUAL EXPENSES 3,800.00

PARKS

PERSONAL SERVICES 776,422.00
EQUIPMENT
CONTRACTUAL EXPENSES 484,810.00

PLAYGROUNDS & RECREATION PROG.

PERSONAL SERVICES 297,472.00
EQUIPMENT
CONTRACTUAL EXPENSES 129,565.00

BEACH AND POOL PROGRAMS

PERSONAL SERVICES 63,585.00
CONTRACTUAL EXPENSES 6,000.00

CULTURAL GROUPS

CONTRACTUAL EXPENSES 34,518.00

YOUTH PROGRAMS

PERSONAL SERVICES 229,958.00

Preliminary BUDGET
1989

DATE 09-30-88

GENERAL FUND

EQUIPMENT
CONTRACTUAL EXPENSES 235,329.00

LIBRARY EXPENSES

PERSONAL SERVICES 400.00
CONTRACTUAL EXPENSES 43,625.00

HISTORIAN

EQUIPMENT 1,000.00
CONTRACTUAL EXPENSES 5,500.00

CELEBRATIONS

CONTRACTUAL EXPENSES 105,000.00

SENIOR CITIZENS

PERSONAL SERVICES 162,135.00
EQUIPMENT
CONTRACTUAL EXPENSES 115,225.00

DEPT NO. NOT ON FILE

CONTRACTUAL EXPENSES

EROSION CONTROL AND DRAINAGE

EQUIPMENT
CONTRACTUAL EXPENSES

DATE 09-30-88

Preliminary BUDGET
1989

GENERAL FUND

SHADE TREES

CONTRACTUAL EXPENSES 30,000.00

EMPLOYEE BENEFITS

EMPLOYEES RETIREMENT	410,000.00
POLICE RETIREMENT	765,000.00
SOCIAL SECURITY	743,316.00
EMPLY WORKMAN COMP	292,205.00
MEDICAL INSURANCE	720,290.00
RETIREE'S MEDICAL INSUR	168,248.00
GROUP LIFE INSURANCE	45,844.00
EMPLY UNEMPLOYMENT	125,155.00
DENTAL INSURANCE	83,339.00
OPTICAL INSURANCE	25,645.00
1988 NYSCC GRANT ALLOC.	125,000.00
ALLOCATED FICA	71,141.00-
ALLOCATED FRINGES	178,449.00-

TRANSFER TO DEBT SERVICE

SERIAL BOND PRINCIPAL	656,500.00
SERIAL BOND INTERST	417,000.00
DEBT SERVICE APPLIED	189,359.00-

TRANSFER TO INSURANCE FUND

UNALLOCATED INSURANCE	
INSURANCE CONSULATION	
WORKMEN'S COMPENSATION	
UNEMPLOYMENT INSURANCE	
ALLOCATED WORKMANS COMP	
ALLOCATED UNEMPLOYMENT	

DEPT NO. NOT ON FILE

TRAN TO CAPITAL 8729	
TRANS TO CAPITAL 8801	
TRANSFER TO CAPITAL 8802	14,500.00

DEPT NO. NOT ON FILE

TOTAL FUND - EXP

-7-

16,544,253.00

DATE 09-30-88

Preliminary BUDGET
1989

GENERAL FUND

REVENUES

REAL PROPERTY TAXES	9,623,880.00
OTHER PAYMENTS IN LIEU	225,000.00
INTERST & PENALTY-TAX	126,000.00
NON-PROPERTY TAX DISTR	1,397,036.00
FRANCHISES-CABLE TV	100,000.00
TOWN CLERK FEES	106,925.00
TOWN DOG LICENSE FEES	78,000.00
SHELTER PERMITS	6,000.00
PARKS-MEETING ROOM	200.00
RECREATION CONCESSIONS	4,500.00
ICE RENTAL-RECREATION	15,000.00
CERAMIC FEES	1,600.00
REC FEES 7 I.D. REGIST.	11,000.00
SPECIAL EVENTS-REC	85,000.00
SR CITIZENS-VAN RECEIP	8,000.00
SQUARE DANCING	
SR. CITIZENS-SPEC EVENT	23,800.00
POLISH FESTIVAL REVENUE	3,500.00
OTHER YOUTH CONTRIBUTN	30,000.00
INTEREST EARNINGS	325,000.00
GAMES OF CHANCE	500.00
BINGO LICENSES	13,500.00
DOG LICENSES	13,500.00
PUBLIC IMPROVE. PERMITS	80,000.00
FINES & FORFEITED BAIL	300,000.00
MINOR SALES, OTHER	10,000.00
INSURANCE RECOVERIES	20,000.00
REFUNDS OF PRIOR YEARS	40,000.00
NYS FICA INTERST	2,000.00
SESQUICENTENIAL REVENUE	25,000.00
APPROPRIATED FUND BALAN	1,084,553.00
PER-CAPITA-UNRESTRICTED	870,615.00
PER CAPITA-EXCESS	125,878.00
MORTGAGE TAX	550,000.00
TRAFFIC SAFETY	175,000.00
SPECIAL STATE AID	342,471.00
NEEDS BASED AID	243,841.00
DISASTER PREPAREDNESS	15,396.00
PROGRAMS FOR ELDERLY	5,665.00
YOUTH PROGRAMS	240,000.00
JTPA--JOB TRAINING PRCG	210,873.00
NUTRITION SITE FEES	5,000.00

TOTAL FUND - REV

16,544,253.00

Preliminary BUDGET
1989

DATE 09-30-88

PART TOWN FUND

PERSONAL SERVICES	247,873.00
EQUIPMENT	6,900.00
CONTRACTUAL EXPENSES	13,100.00

BOARD OF HEALTH

CONTRACTUAL EXPENSES	8,000.00
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ZONING BOARD

PERSONAL SERVICES	16,500.00
CONTRACTUAL EXPENSES	13,400.00

PLANNING BOARD

PERSONAL SERVICES	20,600.00
CONTRACTUAL EXPENSES	200.00

EMPLOYEE BENEFITS

EMPLOYEES RETIREMENT	22,536.00
SOCIAL SECURITY	21,403.00
EMPLOY WORKMAN COMP	8,549.00
MEDICAL INSURANCE	22,318.00
GROUP LIFE INSURANCE	1,363.00
EMPLOY UNEMPLOYMENT	4,263.00
DENTAL INSURANCE	2,422.00
OPTICAL INSURANCE	665.00
ALLOCATED FICA	1,016.00
ALLOCATED FRINGES	2,887.00

TRANSFER TO INSURANCE RESERVE

WORKMEN'S COMPENSATION	
UNEMPLOYMENT INSURANCE	
ALLOCATED WORKMANS COMP	
ALLOCATED UNEMPLOYMENT	

TOTAL FUND - EXP

413,995.00

Preliminary BUDGET
1989

DATE 09-30-88

PART TOWN FUND

	1,500.00
MINOR SALES, MISCELL.	
PERMITS & INSPECTION	155,000.00
APPROPRIATED FUND BAL.	126,500.00
PER CAPITA-RESTRICTED	45,995.00
FIRE CODE SAFETY	85,000.00

TOTAL FUND - REV

413,995.00

DATE 09-30-88

Preliminary BUDGET
1989

HIGHWAY FUND

CONTRACTUAL EXPENSES 41,114.00

GENERAL REPAIRS

PERSONNAL SERVICES 696,184.00
CONTRACTUAL EXPENSES 214,700.00

HIGHWAY MACHINERY

PERSONNAL SERVICES 335,044.00
EQUIPMENT
CONTRACTUAL EXPENSES 174,000.00

HGWY.-MISCELL. BRUSH AND WEEDS

PERSONNAL SERVICES 416,217.00
CONTRACTUAL EXPENSES 42,000.00

HIGHWAY-PERSONAL SERVICES

PERSONNAL SERVICES

HIGHWAY-SNOW REMOVAL

PERSONNAL SERVICES 545,662.00
CONTRACTUAL EXPENSES 135,000.00

HGWY.-SERVICES FOR OTHER GCVTS

PERSONNAL SERVICES 30,000.00
CONTRACTUAL EXPENSES 4,000.00

DATE 09-30-88

Preliminary BUDGET
1989

HIGHWAY FUND

HIGHWAY IMPROVEMENT FUND

PERSONNAL SERVICES	153,538.00
CONTRACTUAL EXPENSES	351,592.00

HIGHWAY-STORM SEWERS

CONTRACTUAL EXPENSES	25,000.00
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HGWY-EROSION CONTROL & DRAIN

CONTRACTUAL EXPENSES	5,000.00
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HIGHWAY-EMPLOYEE BENEFITS

EMPLOYEES RETIREMENT	237,500.00
SOCIAL SECURITY	163,472.00
EMPLY WORKMANS COMP	65,299.00
MEDICAL INSURANCE	186,990.00
RETIREE'S MEDICAL INS.	75,583.00
GROUP LIFE INSURANCE	14,797.00
EMPLY UNEMPLOYMENT INS	38,562.00
DENTAL INSURANCE	21,344.00
OPTICAL INSURANCE	6,912.00

HGWY. TRANSFER TO DEBT SERVICE

SERIAL BOND PRINCIPAL	608,250.00
SERIAL BOND INTERST	322,609.00
DEBT SERVICE APPLIED	437,500.00-

HGWY.-TRANS. TO INSUR. RESERVE

WORKMEN'S COMPENSATION	
UNEMPLOYMENT COMPENSATI	

TOTAL FUND - EXP

4,472,869.00

DATE 09-30-88

Preliminary BUDGET
1989

HIGHWAY FUND

REVENUES

SALES TAX HIGHWAY-REV.	3,220,501.00
SERVICES FROM OTHER GO	63,000.00
INTEREST EARNINGS-HGHWY	20,000.00
MINOR SALES & OTHER	
REFUND PRIOR YEAR EXP.	
TREE PLANTING	30,000.00
PRIVATE PLOWERS	15,000.00
APPROPRIATED FUND BALAN	200,000.00
INTERFUND REV CAPITAL	100,000.00
PER CAPITA-RESTRICTED	654,368.00
NYS AID-IMPROVEMENT PR	150,000.00
HIGHWAY/STREETS CUTS	20,000.00

TOTAL FUND - REV

4,472,869.00

DATE 09-30-88

Preliminary BUDGET
1989

RISK RETENTION FUND

CONTRACTUAL EXPENSES

78,000.00

EXCESS

CONTRACTUAL EXPENSES

40,000.00

WORKMANS COMPENSATION

CONTRACTUAL EXPENSES

300,000.00

UNEMPLOYMENT

CONTRACTUAL EXPENSES

50,000.00

GENERAL LIABILITY LOSSES

CONTRACTUAL EXPENSES

75,000.00

POLICE LIABILITY LOSSES

CONTRACTUAL EXPENSES

20,000.00

PUBLIC OFFICIALS & OTHERS

CONTRACTUAL EXPENSES

5,000.00

WORKMEN'S COMPENSATION

WORKMEN'S COMPENSATION

UNEMPLOYMENT INSURANCE

UNEMPLOYMENT INSURANCE

TOTAL FUND - EXP

565,000.00

DATE 09-30-88

Preliminary BUDGET
1989

RISK RETENTION FUND

INTEREST EARNINGS	57,344.00
APPROPRIATED RESERVES	390,656.00
INTERFUND TRANSFERS	120,000.00

TOTAL FUND - REV

568,000.00

Preliminary BUDGET
1989

DATE 09-30-88

CONSOLIDATED GARBAGE

CONSOLIDATED GARBAGE

PERSONAL SERVICES	2,124,091.00
EQUIPMENT	16,050.00
EMPLOYEES RETIREMENT	222,000.00
SOCIAL SECURITY	141,874.00
EMPLY WORKMANS COMP	56,682.00
MEDICAL INSURANCE	180,093.00
RETIREE'S MEDICAL INS.	34,729.00
GROUP LIFE INSURANCE	13,045.00
EMPLY UNEMPLOYMENT INS	32,901.00
DENTAL INSURANCE	20,971.00
OPTICAL INSURANCE	6,666.00
ALLOCATED FICA	15,425.00
A;LLOCATED FRINGES	34,590.00
SERIAL BOND PRINCIPAL	95,000.00
SERIAL BOND INTEREST	73,461.00
DEBT SERVICE APPLIED	64,500.00-
CONTRACTUAL EXPENSES	1,482,550.00

TRANSFER TO INSURANCE RESERVE

LIABILITY AND CASULTY	50,000.00
WORKER'S COMPENSATION	
UNIMPLOYMENT INSURANCE	
ALLOCATED UNEMPLOYMENT	

TOTAL FUND - EXP

4,535,628.00

DATE 09-30-88

Preliminary BUDGET
1989

CONSOLIDATED GARBAGE

REVENUES

NET TAX LEVY-GARBAGE	3,658,500.00
INTEREST EARNINGS-GARB	120,000.00
SALE OF REFUSE-RECYCLNG	27,000.00
SALES OF EQUIPMENT	167,000.00
INSURANCE RECOVERY	
REFUND PRIOR YEARS EXP.	
APPROPRIATED FUND BALAN	493,128.00
E.Q.B.A. GRANT	70,000.00
ALLOCATED WORKMANS COMP	

TOTAL FUND - REV

4,535,628.00

Preliminary BUDGET
1989

TE 09-30-88

LIGHT DISTRICT

PERSONAL SERVICES	53,358.00
CONTRACTUAL EXPENSES	1,671,321.00

DEPT NO. NOT ON FILE

ALLOCATED PAYROLL TAXES	4,001.00
ALLOCATED FRINGES	6,680.00

DEPT NO. NOT ON FILE

ALLOCATED WORKMANS COMP	
ALLOCATED UNEMPLOYMENT	

TOTAL FUND - EXP

1,735,360.00

DATE 09-30-88

Preliminary BUDGET
1989

LIGHT DISTRICT

REVENUES

NET TAX LEVY-LIGHTING	1,713,360.00
INTEREST EARNINGS-LIGHT	7,000.00
LIGHT STANDARD DAMAGES	15,000.00

TOTAL FUND - REV

1,735,360.00

TOWN OF CHEEKTOWAGA, NEW YORK

ELECTED OFFICIALS

1989 WAGES

Supervisor	\$ 49,407.00
Town Clerk	39,139.00
Highway Superintendent	45,017.00
Councilman	16,029.00

TOWN OF CHEEKTOWAGA
 1989 TAX RATES--- Preliminary Budget
 AS FILED 9/30/80

DESCRIPTION	TOWN OUTSIDE VILLAGES	DEPEN	SLOAN	WILLIAMSVILLE	TOTAL
ASSESSMENT--GENERAL FUND	1,729,646,196.00	225,020,027.00	61,720,461.00	636,570.00	2,017,023,254.00
% TO TOTAL	0.857524	0.111560	0.030600	0.000316	1.000000
TOTAL APPROPRIATIONS	14,187,096.82	1,845,684.31	506,250.50	5,221.37	16,544,253.00
LESS UNRESTRICTED REVENUES	(5,934,387.11)	(772,039.93)	(211,761.89)	(2,104.07)	(6,920,373.00)
NET	8,252,709.71	1,073,644.38	294,488.61	3,037.30	9,623,880.00
SECTION 150 ADJUSTMENT	154,382.14	(153,945.08)		(437.06)	0.00
TAXES TO BE RAISED	8,407,091.85	919,699.30	294,488.61	2,600.24	9,623,880.00

TAX RATES--GENERAL FUND

1989 RATE	4.860585	4.087189	4.771329	4.004762
1988 RATE	4.693837	3.918714	4.603750	3.940412
% INCREASE/(DECREASE)	3.55%	4.30%	3.64%	3.45%

TAX RATES--CONSOLIDATED GARBAGE

ASSESSMENT	1,956,667,374.00
TAXES TO BE RAISED	3,658,500.00
1989 TAX RATE	1.869761
1988 TAX RATE	1.869680
% INCREASE/(DECREASE)	0.00%

TAX RATES--GENERAL LIGHT

ASSESSMENT	1,956,667,374.00
TAXES TO BE RAISED	1,713,360.00
1989 TAX RATE	0.075652
1988 TAX RATE	0.063650
% INCREASE/(DECREASE)	1.00%

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..... OCT 20 1988..... ;
last publication..... OCT 20 1988..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{20th}.....

day of*October*....., 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
of
PUBLIC HEARING
on
PRELIMINARY BUDGET
and
LIGHTING DISTRICTS AND
CONSOLIDATED GARBAGE
DISTRICT BUDGETS

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 1989, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 7:00 o'clock P.M., Eastern Standard Time on the 26th day of October, 1988, and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

Supervisor	\$ 49,407.00
Town Clerk	39,139.00
Hghwy Superintendent	45,017.00
Councilmen	16,029.00

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK
RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 20, 1988

Item No. 4b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, during winter months, snowplow operators remove snow from various private properties and utilize public streets for their operations, and

WHEREAS, occasionally, such snowplow operations interfere with the use of the highways by the public, and

WHEREAS, the Town Superintendent of Highways has recommended that the Town enact a local law to oversee and control private snowplow operators in the Town, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 7th day of November, 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. 3 of the year 1988 entitled "A Local Law for Snowplowing" 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 SNOWPLOWING

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 7th day of November, 1988 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to enact Local Law No. 3 of the Year 1988, entitled "A Local Law for Snowplowing". A brief description of Local Law No. 3 of the Year 1988 is as follows:

TOWN OF CHEEKTOWAGA

Local Law No. 3 of the Year 1988

"A local law requiring operators of snowplows to obtain a permit from the Town in order to plow snow within the Town of Cheektowaga."

A copy of the complete text of "Local Law No. 3 of the Year 1988" shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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..... *OCT 20 1988* ;
last publication..... *OCT 20 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *20th*

day of *October*, 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*

No. 23

No. 24

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL TO ADOPT A
LOCAL LAW FOR SNOW-
PLOWING**

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 7th day of November, 1988 at 7:00 P.M., at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to enact Local Law No. 3 of the Year 1988, entitled "A Local Law for Snowplowing". A brief description of Local Law No. 3 of the Year 1988 is as follows:

Town of Cheektowaga

Local Law No. 3 of the Year 1988

"A local law requiring operators of snowplow to obtain a permit from the Town in order to plow snow within the Town of Cheektowaga."

A copy of the complete text of "Local Law No. 3 of the Year 1988" shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, NEW YORK**

RICHARD M. MOLESKI

Town Clerk

PUBLISH: October 20, 1988

Item No. 4c Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the vehicle and traffic regulations of the Town be amended, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on November 7, 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 20th day of October, 1988, said amendments being set forth in the Notice of Hearing.

* * * * *

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on November 7, 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>
Airport Dr.	East-West	Dean Road	Northbound	S.E. Corner
Airport Dr.	East-West	Dean Road	Southbound	N.W. Corner

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

Dated: October 17, 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
..... *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..... *OCT 20 1988* ;
last publication..... *OCT 20 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *20th*

day of *October*, 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 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 November 7, 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
Airport Dr.
Direction
East-West
Entrance Street
Dean Road
Traffic Stops
Northbound
Sign Location
S.E. Corner
Street
Airport Dr.
Direction
East-West
Entrance
Dean Road
Traffic Stops
Southbound
Sign Location
N.W. Corner

**BY ORDER THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE
COUNTY, NEW YORK,
RICHARD M. MOLESKI
Town Clerk
PUBLISH: October 20, 1988**

Item No. 4d Motion by Councilman Johnson, Seconded by Councilman Kazukiewicz

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 17th day of October, 1988 at 7:00 P.M., at a meeting of the Town Board at the Town Hall, 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 it shall be determined by the Town Board whether the Zoning Ordinance of the Town of Cheektowaga shall be amended as provided in the attached Notice of Hearing; and BE IT FURTHER

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

* * * * *

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:

* * * * *

Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 7th day of November, 1988 at 7:00 P.M., at a meeting of the Town Board at the Town Hall, 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 it shall be determined by the Town Board whether the Zoning Ordinance of the Town of Cheektowaga shall be amended as provided in the attached Notice of Hearing; and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such 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 17th day of October, 1988, a public hearing will be held on the 7th day of November, 1988 at 7:00 P.M., at the Cheektowaga Town Hall, corner of Broadway and Union, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it shall be determined by the Town Board whether the "Zoning Ordinance" of the Town of Cheektowaga, New York shall be amended and changed as follows:

Item No. 4d cont'd

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 A.(1)(b) which lists two family dwellings as a principal permitted use in a R Residence District shall be repealed.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS Section 82-21 B.(1)(b) and 82-21 (B)(2)(b) which pertain to the minimum lot width and minimum lot area for two family dwellings shall be repealed.

3. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 A.(1) which lists the principal permitted uses in a RA Apartment District shall be amended by the enactment of a new subdivision (c) for two family dwellings.

4. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 B. which pertains to lot width and lot area for principal permitted uses in a RA Apartment District shall be amended by deleting the words "two family dwelling" from subdivision (1)(a) and (2)(a), and by adding a new subdivision (1)(c) and (2)(c), providing the following:

(1) Lot width.

(c) Two family residence

- [1] Interior lot, eighty-five (85) feet.
- [2] Corner lot, ninety-five (95) feet.

(2) Lot area.

(c) Two family residence.

- [1] Interior lot, ten thousand two hundred (10,200) square feet
- [2] Corner lot, eleven thousand four hundred (11,400) square feet

5. RESOLVED THAT ARTICLE VII - NONCONFORMING USE REGULATIONS, Section 82-45, which pertains to the continuation of nonconforming uses, shall be amended by exempting two family residences from the restrictions provided for in Sections 82-47 (enlargement or extension of nonconforming uses) and 82-49 (restoration of damaged nonconforming structures); such exemption shall read as follows:

and except that neither the restrictions on the enlargement or extension of nonconforming uses provided for in Section 82-47 nor the restrictions on the restoration of damaged structures provided for in Section 82-49 shall apply to any two family residence made nonconforming by the reclassification of such residences as a principal permitted use in the R-Residence District to the RA Apartment District.

Dated: October 17, 1988

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

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..... OCT 20 1988 ;
last publication..... OCT 20 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 20th

day of October, 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
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 17th day of October, 1988, a public hearing will be held on the 7th day of November, 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" of the Town of Cheektowaga, New York shall be amended and changed as follows:

1. **RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 A. (1)(b)** which lists two family dwellings as a principal permitted use in a R Residence District shall be repealed.

2. **RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Sections 82-21 B. (1)(b) and 82-21 (B)(2)(b)** which pertain to the minimum lot width and minimum lot area for two family dwellings shall be repealed.

3. **RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 A. (1)** which lists the principal permitted uses in a RA Apartment District shall be amended by the enactment of a new subdivision (c) for two family dwellings.

4. **RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 B.** which pertains to lot width and lot area for principal permitted uses in a RA Apartment District shall be amended by deleting the words "two family dwelling" from subdivisions (1)(a) and (2)(a), and by adding a new subdivision (1)(c) and (2)(c), providing the following:

(1) Lot width.

(c) Two family residence

(1) Interior lot, eighty-five (85) feet.

(2) Corner lot, ninety-five (95) feet.

(2) Lot area.

(c) Two family residence.

(1) Interior lot, ten thousand two hundred (10,200) square feet

(2) Corner lot, eleven thousand four hundred (11,400) square feet

5. **RESOLVED THAT ARTICLE VII - NONCONFORMING USE REGULATIONS, Section 82-45,**

which pertains to the continuation of nonconforming uses, shall be amended by exempting two family residences from the restrictions provided for in Sections 82-47 (enlargement or extension of nonconforming uses) and 82-49 (restoration of damaged nonconforming structures); such exemption shall read as follows:

and except that neither the restrictions on the enlargement or extension of nonconforming uses provided for in Section 82-47 nor the restrictions on the restoration of damaged structures provided for in Section 82-49 shall apply to any two family residence made nonconforming by the reclassification of such residences as a principal permitted use in the R Residence District to the RA Apartment District.

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: October 20, 1988

MEETING NO. 22
October 17, 1988

Item No. 4e Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, Paul & Marcia Szczesek have made application and requested the Rezoning from R-Residential to C-Retail Business District for property located at 794 French 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 November 7th, 1988 at 6:30 P.M. Eastern Standard Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road.

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*1988*... weeks;
first publication.....*OCT 20 1988*..... ;
last publication.....*OCT 20 1988*..... ;
and that no more than six days intervened be-
tween publications.

.....
Sworn to before me this*20th*.....

day of*October*....., 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 7th day of November, 1988 at 6:30 o'clock, P.M. Eastern Standard Time of said day for the purpose of considering the application of Paul & Marcia Szezeseck to rezone from R-Residential District to C-Retail Business District on property located at 794 French Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION OF PROPERTY

794 FRENCH ROAD

CHEEKTOWAGA, NEW YORK

THAT TRACT OR PARCEL OF LAND, situate to the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 96, Township 10, Range 7 of the Buffalo Creek Reservation bounded and described as follows:

Beginning at the southeast corner of said Lot No. 96 which is the point of intersection of the east line of said Lot No. 96 and center line of French Road; thence westerly along the center line of French Road 197.96 feet to the southeast corner of lands conveyed to Castine, Kidawski, Leising & Sharp, Inc. by deed recorded in Erie County Clerk's Office in Liber 7288 of Deeds at page 237; thence northerly parallel with the east line of said Lot No. 96 and along the east line of said lands described in the aforesaid deed 325 feet to the south line of said lands described in the aforesaid deed; thence easterly parallel with the center line of French Road and along the south line of said lands described in the aforesaid deed 197.96 feet to the east line of said Lot No. 96; thence southerly along the east line of said Lot No. 96 a distance of 325 feet to the point or place of beginning.

EXCEPTING AND RESERVING THEREFORM, those certain premises conveyed to the County of Erie by Deed recorded in Erie County Clerk's Office in Liber 7673 of Deeds at Page 363.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek

Councilmen:

Thomas M. Johnson, Jr.

Patricia A. Jaworowicz

Dennis H. Gabryszak

Andrew A. Kulyk

Leo T. Kazuklewicz

Richard B. Solecki

RICHARD M. MOLESKI

Town Clerk

PUBLISH: October 20, 1988

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

WHEREAS, S & W Associates has made application and requested the Rezoning from C-Retail Business District to CM-General Commercial District and a Special Use Permit for used car sales for the property located at 470 Cayuga Road, with the permission of the property owner, namely Brondy Real Estate, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on November 7th, 1988 at 6:30 P.M. Eastern Standard Time, at the Cheektowaga Town Hall, corner of Broadway and Union Road.

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..... *OCT 20 1988*..... ;
last publication..... *OCT 20 1988*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *20th*.....

day of *October*....., 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 7th day of November, 1988 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of S & W Associates/Brondy Real Estate for a Special Permit to use for used auto sales on property located at 470 Cayuga Road pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga, New York.

THAT TRACT OR PARCEL OF LAND, situate to the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 14, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point on the west side of Cayuga Road, as a sixty-six (66) foot highway, at a distance as measured along the westerly line of Cayuga Road of three hundred eighty-eight (388) feet northerly from the intersection of the north line extended of the property shown under Map Cover No. 1628 filed in the Office of the Erie County Clerk and the westerly side of Cayuga Road, as a sixty-six (66) foot highway; thence westerly at right angles to the west line of Cayuga Road, as a sixty-six (66) foot highway, a distance of two hundred (200) feet; thence northerly parallel with Cayuga Road, a distance of two hundred twelve (212) feet; thence easterly two hundred (200) feet to the west line of Cayuga Road, as a sixty-six (66) foot highway; thence southerly along the west line of Cayuga Road to the point or place of beginning Subject to covenants easements and restrictions of record.

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

BY ORDER OF THE TOWN BOARD
Supervisor Frank E. Swiatek
Councilmen:
Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki
RICHARD M. MOLESKI
Town Clerk
PUBLISH: October 20, 1988

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..... *OCT 20 1988* ;
last publication..... *OCT 20 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *20th*

day of *October*, 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 7th day of November, 1988 at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of S & W Associates/Brandy Real Estate to rezone from C-Retail Business District to CM-General Commercial District on property located at 470 Cayuga 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.

THAT TRACT OR PARCEL OF LAND, situate to the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 14, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point on the west side of Cayuga Road, as a sixty-six (66) foot highway, at a distance as measured along the westerly line of Cayuga Road of three hundred eighty-eight (388) feet northerly from the intersection of the north line extended of the property shown under Map Cover No. 1628 filed in the Office of the Erie County Clerk and the westerly side of Cayuga Road, as a sixty-six (66) foot highway; thence westerly at right angles to the west line of Cayuga Road, as a sixty-six (66) foot highway, a distance of two hundred (200) feet; thence northerly parallel with Cayuga Road, a distance of two hundred twelve (112) feet; thence easterly two hundred (200) feet to the west line of Cayuga Road, as sixty-six (66) foot highway; thence southerly along the west line of Cayuga Road to the point or place of beginning. Subject to covenants easements and restrictions of record.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek

Councilmen:

Thomas M. Johnson, Jr.

Patricia A. Jaworowicz

Dennis H. Gabryszak

Andrew A. Kulyk

Leo T. Kazuklewicz

Richard B. Solecki

RICHARD M. MOLESKI

Town Clerk

PUBLISH: October 20, 1988

Item No. 5a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of labor and material to build a comfort station and shelter at Firemen's Park, which bids were duly received and opened at the October 6, 1988 public bid opening, and

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

WHEREAS, said bids were reviewed and it is recommended that the award be made to the lowest responsible bidder meeting the requirements of the specifications for Item II, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of labor and material to construct a comfort station at Firemen's Park be and hereby is awarded to Miller Enterprises, 625 Cornwall Avenue, Tonawanda, New York 14150, said bid being the lowest meeting the requirements of the specifications at the bid price of \$24,156.00, and BE IT FURTHER

RESOLVED that funding for said comfort station shall be charged to account #87297-1100-200.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 5b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, by resolution dated September 6, 1988, this Town Board invited sealed bids for the lease of one (1) 1989 model 4-Wheel Drive Suburban vehicle for use by the Disaster Coordinator for a term of four (4) years, and

WHEREAS, one bid was received and opened at a public bid opening held on September 19, 1988 at 11:00 a.m., and said bid proposal was referred to the Central Garage for analysis, tabulation and report, and

WHEREAS, after analysis, tabulation and report, it has been recommended that the bid for the lease of a 4-Wheel Drive Suburban vehicle be awarded to Lease Corporation, Inc. for a period of four years at a fixed monthly rental of \$319.50, NOW, THEREFORE, BE IT

RESOLVED that the bid for the lease of the 4-Wheel Drive Suburban vehicle be and hereby is awarded to Mernan Chevrolet, Inc., 2751 Bailey Avenue, Buffalo, New York 14215 for a period of four years, at a cost of \$398.00 per month, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute a Lease with Mernan Chevrolet, Inc. on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute any and all other papers necessary to effectuate the lease of the above-mentioned vehicle.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

* PLEASE NOTE: After Item No. 19, Councilman Johnson moved to rescind this item and return to Richard Koszuta, Central Garage Foreman and Earl Loder, Disaster Coordinator. Councilman Jaworowicz seconded this motion and the voting was as follows:

Item No. 7b cont'd

WHEREAS, the Public Improvement Permit fee is intended to recover the cost of the inspection of the construction of public improvements, said inspection to be provided by the Town or by authorized representatives of the Town, and

WHEREAS, due to many on-going projects, there currently are no Engineering or Highway department personnel available to fulfill the inspection requirements of the public improvements to be constructed within Phase I of the "Losson Park Village" Subdivision, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Public Improvement Permit be approved for Phase I of the "Losson Park Village" Subdivision, and ~~BE~~ IT FURTHER

RESOLVED that the Public Improvement Permit fee be utilized to cover the cost of inspection services for the subject subdivision, and that the proposal of Pratt & Huth Associates dated October 10, 1988, as submitted to the Town Engineer to perform the necessary inspection of the "Losson Park Village" Subdivision public improvements be and hereby is accepted with said cost of inspection services not to exceed the amount paid to the Town under the Public Improvement Permit.

Upon Roll Call....

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

Item No. 8a Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board (The 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 Board, including the Town of Cheektowaga, have appropriated sufficient funds for the preparation of such feasibility study and engineering work, and

WHEREAS, the Supervisor was authorized to, and executed for and on behalf of the Town of Cheektowaga, a municipal cooperation agreement between the Town and other members of the Northeast Communities Solid Waste Management Board concerning the Town's rights and responsibilities in representing the Board in relation to the consultant contract for a final feasibility study and preliminary engineering work on the development of a waste to energy project, and

WHEREAS, the Supervisor was further authorized to and executed the agreement for engineering services for solid waste management planning and project development between the Board and Barton and Loguidice, P.C., and

WHEREAS, it has been determined that additional consulting services beyond the original scope and the requirement of the first, second, third, and fourth amendment dated November 14, 1986, December 7, 1987, December 21, 1987 and May 16, 1988 respectively are required to complete the engineering work, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Supervisor be and hereby is authorized to execute the fifth amendment to the agreement for engineering services for solid waste management and project development between the Town Board and Barton and Loguidice, P.C.

Upon Roll Call....

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

Item No. 8b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town will receive funding from the U.S. Department of Housing and Urban Development under the Housing Community Development Act of 1974, as amended for the 1988-89 Program Year, and

WHEREAS, one of the purposes of said act is to expand and improve the quality and quantity of community services which are essential for sound community development and for the development of viable urban communities, and

WHEREAS, the Housing Assistance Center of Niagara Frontier, Inc., located at 1233 Main Street, Buffalo, New York 14209, has provided such services for Town residents, including but not limited to comprehensive housing counseling, rent delinquency and mortgage default counseling, and provision of information to low and moderate income residents, and

WHEREAS, funding for the provision of such services has been included in the Town's 1988-89 Community Development Block Grant Application, NOW, THEREFORE, BE IT

RESOLVED that the Town Supervisor be and hereby is authorized to sign an Agreement with the Housing Assistance Center of Niagara Frontier, Inc., for the provision of said services, and BE IT FURTHER

RESOLVED that the fee paid to the Housing Assistance Center be in the amount of \$5,000, said amount to be paid from Fiscal Year 1988-89 Community Development Block Grant Funds.

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 Kulyk

WHEREAS, the Town of Cheektowaga and the Town of Cheektowaga Employees Association have agreed to amend the 1986-88 collective bargaining agreement between such parties, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

* See next two (2) pages for Memorandum of Agreement

Upon Roll Call....

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

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

Whereas, the parties hereto are also parties to a collective bargaining agreement covering the period January 1, 1986 through December 31, 1988, and

Whereas, the parties are desirous of making a temporary change in the work schedule of certain employees of the Facilities Department, and

Whereas, the parties have met and negotiated the change in said work schedule,

It is hereby agreed as follows:

Notwithstanding any of the provisions of the Agreement, employees of the Facilities Department working at the Town Ice Rink shall work the following schedule:

Weekdays, day shift:	7:00 A.M. to 3:00 P.M.
Weekdays, second shift:	3:00 P.M. to 12:00 A.M. (midnight)
Weekends, day shift:	6:00 A.M. to 3:00 P.M.
Weekends, second shift:	3:00 P.M. to 12:00 A.M. (midnight)

The weekday and weekend second shift includes one (1) hour of overtime per day, for each of two unit employees. In the event that more than two unit employees work said shift on a given day, the unit employees so working shall determine, among themselves, which two are to remain on the job until midnight. Any others shall work a normal eight (8) hour shift, until 11:00 P.M. In the event that two or less unit employees work said shift on a given day, then they shall remain on the job until midnight.


Any employee working at the Ice Rink shall be compensated for all hours actually worked, at his applicable hourly rate of pay, with pay at the applicable overtime rate for hours worked in excess of eight (8) hours per day.

All employees currently in the Facilities Department and assigned to what is known as the "Parks Division" (to include both Town Park and Losson), shall be afforded the opportunity, once, to bid on the aforementioned second shift. Assignments to said shift shall be made on the basis of seniority.

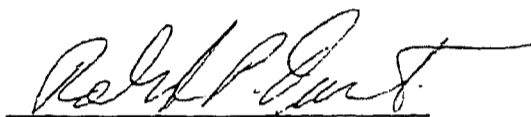
Assignment to the aforementioned weekend day shift shall be rotated, insofar as practical and possible, among the remaining "Parks Division" employees, the purpose of which shall be to attempt to equalize overtime hours amongst such employees.

The foregoing provisions shall remain in effect for the period of time the Ice Rink remains open during the 1988-89 winter season.

TOWN OF CHEEKTOWAGA


FRANK E. SWIATEK, SUPERVISOR

TOWN OF CHEEKTOWAGA
EMPLOYEES ASSOCIATION


RALPH P. FUERTER, PRESIDENT

Dated: October 17th , 1988

Item No. 8d Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga and the Town of Cheektowaga Employees Association have agreed to amend the 1986-1988 collective bargaining agreement between such parties, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

* See next page for Memorandum of Agreement

Upon Roll Call....

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

MEMORANDUM OF AGREEMENT

BETWEEN

TOWN OF CHEEKTOWAGA

AND

TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

It is hereby agreed between the Board and the Union that the 1986-1988 collective bargaining agreement between the parties, as well as a memorandum of agreement previously entered into by and between the parties on or about the 22nd day of February, 1988, be amended as follows:

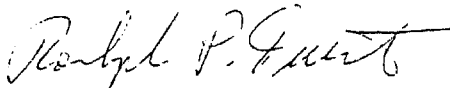
A new subsection, (c), shall be added to Section 25.02, which shall read as follows:

- (c) The Board agrees to allow the Union to place one trailer/mobile home measuring 12 feet by 70 feet on Town property near the Incinerator Building, without cost, for use by the Union. The Board also agrees to pay utility charges for gas, electricity and telephone service (local calls only) for the trailer used by the Union.

TOWN OF CHEEKTOWAGA


FRANK E. SWIATEK, SUPERVISOR

TOWN OF CHEEKTOWAGA
EMPLOYEES ASSOCIATION


RALPH P. FUERTER, PRESIDENT

Dated: October 17th , 1988

Item No. 9 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 \$6,546.50 for services for the period 7/10/88 through 9/3/88, 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. 10 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, property located at 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 Miniature Golf Course operation, 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, installation of a berm and landscaped screening along the north property line and control of noise and lighting in conformity with the requirements of the Town of Cheektowaga Zoning Ordinance, 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

Item No. 10 cont'd

RESOLVED that the revised development plan for 3770 Union Road 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 above mentioned conditions.

Upon Roll Call....

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

Item No. 11 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, this Town Board, by resolution dated March 21, 1988, awarded a contract to Marshall Tank Company for the removal and disposal of two (2) underground fuel storage tanks, and

WHEREAS, the contract specifications required the submission of a 100% performance Bond as a condition of contract award, and

WHEREAS, Marshall Tank Company submitted a certified check in the amount of \$8,900, the current amount, in lieu of a Performance Bond, which funds are currently being held in escrow by the Town ,and

WHEREAS, the work performed by Marshall Tank Company has been completed in accordance with the contract specifications, and all remedial work and documentation has been deemed satisfactory by the New York State Department of Environmental Conservation as outlined in a letter to the Town Engineer dated September 29, 1988, NOW, THEREFORE BE IT

RESOLVED that funds being held by the Town of Cheektowaga in the amount of \$8,900 as surety be released to Marshall Tank Company, whom has deposited same.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, Belmont Shelter Corporation has applied to the New York State Housing Trust Fund Program for funding to convert the former Immaculate Heart of Mary Childrens' Home on William Street into 75 units of affordable senior citizen housing, and

WHEREAS, the town, which has an elderly population of approximately 19,000 representing almost one out of every five Town residents, has a great, pressing need for affordable housing units for the elderly, and

WHEREAS, to-date, despite numerous attempts by the Town to secure such housing, only 80 units of subsidized units for the elderly have been provided in the Town, and

WHEREAS, the Town's elderly population is growing, and the number of those most in need - namely persons over the age of 75, is also expanding, and

WHEREAS, the Town Board supports and encourages the development of housing units for the elderly in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the New York State Division of Housing and Community Renewal be and hereby is memorialized to act favorably upon the application of Belmont Shelter Corporation for the conversion of the Immaculate Heart of Mary Childrens' Home site into housing units for the elderly, and BE IT FURTHER

Item No. 12 cont'd

RESOLVED that the Town Board supports and encourages the development of housing units for the elderly in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the New York State Division of Housing and Community Renewal be and hereby is memorialized to act favorably upon the application of Belmont Shelter Corporation for the conversion of the Immaculate Heart of Mary Childrens' Home site into housing units for the elderly, and BE IT FURTHER

RESOLVED that the Town Clerk be hereby directed to forward certified copies of this resolution to the New York State Division of Housing and Community Renewal, State Assemblyman Paul Tokasz and State Senator Dale Volker.

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 Kazukiewicz

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

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Sean Kohler	10/5/88
<u>SANITATION DEPARTMENT</u>	
Robert Champagne	Immediately

Upon Roll Call....

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

Item No. 14 Hiring of seasonal employees in various departments
This item was withdrawn.

Item No. 15 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 resolution of the Town Board of the Town of Cheektowaga, and

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation has recommended the appointment of William Scarafia to the Board of Directors of said Corporation, and

WHEREAS, this Town Board is in agreement with the recommendation of the Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

Item No. 15 cont'd

RESOLVED that William Scarafia 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 positions 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. 16 Motion by Councilman Johnson, Seconded by Councilman Kazukiewicz

WHEREAS, trees that formerly lined the north side of Broadway between the Cheektowaga Town Hall and the Buffalo City Line were severly damaged and have been removed, and

WHEREAS, the "Friends of the Woods" and Mr. John Terranova, a local businessman, will be soliciting support and contributions and have petitioned to have trees replanted along the north side of Broadway, and

WHEREAS, replacement of the trees would create a visual, noise and pollution buffer between residences on the south side of Broadway and the Conrail railroad tracks immediately north of Broadway, thereby benefiting Town residents, and

WHEREAS, substantial funding will be required in order to replant trees along the north side of Broadway, and

WHEREAS, Robert J. Miller & Associates, the firm retained by the Town to research grants for projects authorized by the Town Board, has the expertise to review the possibility of obtaining funding for the purpose of replanting trees along Broadway, NOW, THEREFORE, BE IT

RESOLVED that Robert J. Miller & Associates be and hereby is requested to prepare a grant proposal and conduct a funding search on behalf of the Town of Cheektowaga for the purpose of obtaining funds to replant trees along the north side of Broadway from Cheektowaga Town Hall to the Buffalo City Line, and BE IT FURTHER

RESOLVED that the Town Clerk be directed to forward copies of this resolution to Michael Papero, John Terranova and to Robert J. Miller & Associates.

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, a Bond Anticipated Note closing will take place in New York City on Wednesday, October 26, 1988, and

WHEREAS, it is necessary that the Town Clerk, Richard M. Moleski and the Town Supervisor, Frank E. Swiatek attend such closing and deliver the Bond Anticipation Notes to New York City, NOW, THEREFORE, BE IT

RESOLVED that Richard M. Moleksi and Frank E. Swiatek be and hereby are directed and authorized to attend such closing, and BE IT FURTHER

RESOLVED that their necessary and reasonable expenses be reimbursed by the Town, not to exceed \$475.00 per person and said expenses be charged to Account #01-1910-0004-4082.

Item No. 17a cont'd

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

WHEREAS, the New York Army National Guard and the Buffalo Office of the Federal Bureau of Investigation have invited the Cheektowaga Police Department's Emergency response team to attend a five-day training exercise known as "Operation Tri-Star" at Fort Drum in Watertown, New York from October 31st-November 4th, 1988, and

WHEREAS, this exercise consists, in part of weapons training, night training and live firing on an electronic range, and

WHEREAS, during such exercise, Cheektowaga police officers will participate in cross training with FBI, Amherst and Buffalo SWAT teams in a joint tactical exercise, and

WHEREAS, the objective of this training is to provide SWAT training and annual certification to military and civilian law enforcement personnel, and

WHEREAS, the Chief of Police has requested that members of the Cheektowaga Police Department's SWAT Team, as listed below, be authorized to attend this important exercise, and

WHEREAS, the Town will incur a cost of \$45.00 per person for the attendance of its officers at such exercise and costs for transportation and meals, and

WHEREAS, this Town desires to have its police officers engage in the aforementioned training exercise in order to assist them in protecting the residents of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the following named officers be and hereby are authorized to attend the aforementioned training exercise at Fort Drum between October 31st-November 4th, 1988:

Lt. Richard Chamberlin	P.O. Russell Paul	Det. Gerald Grant
P.O. William Ertel	P.O. Edward Brotz	Det. Floyd Lukowski
Det. Thomas Wentland	P.O. Thomas Tomczek	Sgt. Kenneth Hycner
P.O. Gerald Jankowski	P.O. Jerald Barber	

and BE IT FURTHER

RESOLVED that such officers be authorized to use two of the Town's surplus vehicles for transportation to and from such exercise, and BE IT FURTHER

RESOLVED that Lt. Richard Chamberlin and Det. Gerald Grant be and hereby are authorized to leave October 30, 1988 to handle pre-processing and storage of team weapons, and BE IT FURTHER

RESOLVED that such officers be reimbursed by the Town for any reasonable and necessary expenses incurred in attending said training exercise from budget line item number 001910-4082.

Upon Roll Call....

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

Item No. 17c Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, the Fire/Arson Academy will be conducting a seminar on "Improving Capability of Officials in Identifying Cause of Fire" from November 2nd-4th, 1988 in Montour Falls, New York, and

WHEREAS, the Chief of Police has requested permission for arson investigators Dennis Gibbs and Ronald Jakubowski to attend this seminar, and

WHEREAS, the cost of registration and lodging is \$75.00 per person, NOW, THEREFORE, BE IT

RESOLVED that police officers Dennis Gibbs and Ronald Jakubowski be and hereby are authorized to attend the aforementioned arson seminar, and BE IT FURTHER

RESOLVED that such officers shall be authorized to use a police department vehicle to travel to and from such seminar, and BE IT FURTHER

RESOLVED that the Town shall reimburse such officers for the costs of registration and lodging for a total not to exceed \$150.00, said moneys to be taken from budget line item number 001910-4082.

Upon Roll Call....

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

Item No. 17d Motion by Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, the municipality of Springfield, Massachusetts has implemented a recycling incentive program in its Sanitation Department, and

WHEREAS, such incentive program has proven to be very successful, and

WHEREAS, it would be valuable for Town personnel to travel to Springfield, Massachusetts to observe and discuss the incentive program with Springfield officials, NOW, THEREFORE, BE IT

RESOLVED that the following Town personnel be and hereby are authorized to travel to Springfield, Massachusetts from October 21-22, 1988:

Richard B. Solecki
Ronald C. Zoeller
Frank Dux
Lawrence Kowal
Ralph Fuerter
Mark Bolis
John Banas

and BE IT FURTHER

RESOLVED that the Town shall reimburse said Town personnel for their reasonable costs for lodging and meals, and BE IT FURTHER

RESOLVED that said Town personnel shall be authorized to use two Town vehicles to travel to and from Springfield, Massachusetts.

No. 23

No. 24

Item No. 17d cont'd

MOTION BY COUNCILMAN GABRYSZAK, 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 Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, the municipality of Springfield, Massachusetts has implemented a recycling incentive program in its Sanitation Department, and

WHEREAS, such incentive program has proven to be very successful, and

WHEREAS, it would be valuable for Town personnel to travel to Springfield, Massachusetts to observe and discuss the incentive program with Springfield officials, NOW, THEREFORE, BE IT

RESOLVED that the following Town personnel be and hereby are authorized to travel to Springfield, Massachusetts from October 21-22, 1988:

- Richard B. Solecki
- Ronald C. Zoeller
- Frank Dux
- Lawrence Kowal
- Ralph Fuerter
- Mark Bolis
- John Banas

and BE IT FURTHER

RESOLVED that the Town shall reimburse said Town personnel for their reasonable costs for lodging and meals, at a total cost not to exceed \$350 to be charged to Account #01-1910-0004-408 and BE IT FURTHER

RESOLVED that said Town personnel shall be authorized to use two Town vehicles to travel to and from Springfield, Massachusetts.

Upon Roll Call....

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

Item No. 17e Motion by Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, the Erie County Department of Environment and Planning - Environmental Compliance Services Program is sponsoring workshops on Hazardous Waste and Chemical Bulk Storage on Thursday, October 27, 1988 at the Pellamwood House in West Seneca, and

WHEREAS, it would be beneficial to the Town for our Coordinator of Diaster Services, Mr. Earl Loder, to participate in these workshops, NOW, THEREFORE, BE IT

RESOLVED that Mr. Earl Loder be and hereby is authorized to attend said workshops on Thursday, October 27, 1988 and BE IT FURTHER

Item No. 17e cont'd

RESOLVED that Mr. Loder be reimbursed the \$25.00 Registration Fee.

MOTION BY COUNCILMAN SOLECKI, 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

and the amended resolution is as follows:

Motion by Councilman Solecki, seconded by Councilman Gabryszak

WHEREAS, the Erie County Department of Environment and Planning - Environmental Compliance Services Program is sponsoring workshops on Hazardous Waste and Chemical Bulk Storage on Thursday, October 27, 1988 at the Pellamwood House in West Seneca, and

WHEREAS, it would be beneficial to the Town for our Coordinator of Diaster Services, Mr. Earl Loder and Dave Kulik, Sanitation Employee to participate in these workshops, NOW, THEREFORE, BE IT

RESOLVED that Mr. Earl Loder and Dave Kulik be and hereby is authorized to attend said workshops on Thursday, October 27, 1988 and BE IT FURTHER

RESOLVED that Mr. Loder and Mr. Kulik be reimbursed the \$25.00 Registration Fee.

Upon Roll Call....

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

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

WHEREAS, the New York State Energy Office is sponsoring an energy-efficiency conference in Rochester, New York on October 31, and November 1, 1988, and

WHEREAS, the Director of Community Development has requested that Lawrence J. Kensy, Housing inspector, be authorized to attend said conference, and

WHEREAS, this energy-efficiency conference will allow the Housing Inspector to remain current on methods and technologies on energy conservation that are applicable to rehabilitation, NOW, THEREFORE, BE IT

RESOLVED that Lawrence J. Kensy, Housing Inspector, is hereby authorized to attend the energy-efficiency conference to be held on October 31 and November 1, 1988 in Rochester, New York, at a fee not to exceed \$125.00; said conference fee to be paid from the Community Development budget, and BE IT FURTHER

RESOLVED that Mr. Kensy be authorized to use a Town vehicle for transportation to and from the conference.

Upon Roll Call....

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

No. 23

No. 24

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

WHEREAS, a Secretarial Seminar is being held at the Ramada Renaissance on November 16, 1988, and

WHEREAS, attendance at said seminar would be beneficial in the conduct of duties associated with the many projects in the Engineering Department, and

WHEREAS, Mary Jane Higgins, Engineering Secretary, has agreed to attend said seminar in order to improve her skills in the conduct of everyday business, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that Mary Jane Higgins be and hereby is authorized to attend the Secretarial Seminar on November 16, 1988, and ~~BE~~ IT FURTHER

RESOLVED that the registration fee in the amount of \$69.00 is to be made chargeable to Sewer District No. 5 Budget Item 508125.4087.

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

~~BE~~ IT RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to disconnect three (3) 45,000 lumen H.P.S. luminaires on poles No. 1, 1-6-1 and 1-6-2, line 2509, for an annual decrease in the General Lighting District of \$750.33, as outlined on the attached New York State Electric and Gas proposal dated October 11, 1988, and ~~BE~~ IT FURTHER

RESOLVED that all costs associated with the removal of the subject utility owned lighting equipment, shall be borne by the Pyramid Company of Buffalo, whom has requested the subject removal.

* See next page for proposal

Upon Roll Call....

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

NAYES: 0

ABSENT: 0



October 11, 1988

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA

Walden Avenue (north side of Duke Road)

Remove 3-45000 lumen hps lamps @ \$250.11 ea. ----- \$ 750.33
(Poles 1, 1-6-1, 1-6-2, Line 2509)

These street lights are located on the loop at the former VFW and "Two Guys" entrance and are no longer necessary, as Pyramid Corp. of Buffalo is installing lights at the entrance to the Galleria Mall in this area. Pyramid Corp. of Buffalo has agreed to pay any costs associated with the removal of these street lights.

TOTAL ANNUAL DECREASE --- \$ 750.33

No. 23

No. 24

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

BE IT RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to install eight (8) 14,400 lumen H.P.S. luminaires and related brackets and poles at the Harlem/Walden intersection and on Harlem Road south of Walden Avenue, for an annual increase in the General Lighting District of \$1,412.00, as outlined on the attached New York State Electric & Gas proposal dated October 4, 1988.

* See next two (2) pages for proposal

Upon Roll Call....

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

C7 .0N



October 4, 1988

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA

Harlem Road (corner of Walden)

Install 4-14400 lumen hps lamps @ \$126.73 ea. ---- \$ 506.92

Install 4-20' brackets @ \$21.88 ea. ----- \$ 87.52

Steel signal poles #86-1, 86-2, 86-6, 86-7

Annual Increase ---- \$ 594.44

Harlem Road (south of Walden)

Install 4-14400 lumen hps lamps @ \$126.73 ea. ---- \$ 506.92

Install 2-35' wood poles* @ \$111.56 ea. ----- \$ 223.12

Install 4-20' brackets @ \$21.88 ea. ----- \$ 87.52

Poles 86-3*, 86-4*, 86-5, 86-6

Annual Increase ---- \$ 817.56

(see attached sketch)

TOTAL ANNUAL INCREASE ---- \$1412.00

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

Item No. 19 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)	\$4,200.00
	1910.4711 (Contingency)	3,000.00
	1910.4711 (Contingency)	3,000.00
To:	1430.4013 (Reference Library)	\$3,000.00
	5132.4431 (Radio Repair)	4,200.00
	1910.4082 (Government Business Travel)	3,000.00

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

NAYES: 0

ABSENT: 0

ABSTAINED: Councilman Solecki

and the amended resolution is as follows:

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)	\$4,200.00
	1910.4711 (Contingency)	3,000.00
	1910.4711 (Contingency)	6,000.00
To:	1430.4013 (Reference Library)	\$3,000.00
	5132.4431 (Radio Repair)	4,200.00
	1910.4082 (Government Business Travel)	6,000.00

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

ABSTAINED: Councilman Solecki

* PLEASE NOTE: After Item No. 19, Councilman Johnson moved to rescind Item No. 5b and return to Richard Koszuta, Central Garage Foreman and Earl Loder, Disaster Coordinator. Councilman Jaworowicz seconded this motion 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. 5b WAS RESCINDED

No. 23

No. 74

Item No. 20 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 October 17, 1988 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$1,485,870.90
HIGHWAY FUND	444,496.88
CAPITAL FUND	700,694.05
TRUST & AGENCY FUND	412,916.47
HUD-CDBG FUND	17,644.89
PART TOWN FUND	87,791.73
HUD-RENTAL REHAB. FUND	3,296.25
RISK RETENTION FUND	22,304.94
DEBT SERVICE FUND	47,031.25
SPECIAL DISTRICT FUND	847,062.60
	<u>\$4,069,109.96</u>

Upon Roll Call....

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

III. FROM THE TABLE

Motion by Councilman Kulyk, Seconded by Councilman Gabryszak to dispense with the reading of the names in Item No. 21.

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 Solecki

BE IT RESOLVED that the following be hired by the Cheektowaga Recreation Department to assist in conducting its 1988-89 winter programs.

HOCKEY PROGRAM SUPERVISORS - Rink Personnel A7140.1611 \$5.00 per hour

Matthew Bean
Michael Bogdan
Norbert Rzeski

RINK GUARD SUPERVISOR - A7140.1611 \$4.00 per hour

Robert Kowalewski
Dean Lach

RINK GUARD ATTENDANTS - A7140.1611 \$3.35 per hour

Keith Bova
Maurice Desjardins
John Flynn
Robert Kowalewski
Jay Meyers
Todd Meyers
Eugene Pytlewski
Roy Schneiderman
David Weber
Lisz Szymkowiak
Colleen Witucki
Paul Dennis

Item No. 21 cont'd

COMMUNITY CENTER SUPERVISOR - A7140.1612 \$5.00 per hour

Susan Ciezak
Mary Lou Czajka
Mary Kryszczak
Bernard Ruda

RECREATION INSTRUCTORS - A7140.1612 \$5.00 per hour

Laila Desjardins
Thomas Kazmierczak III
Beverly Nowicki
Melissa Prorok
Jeffrey Schneider
Nancy Szymkowiak

COMMUNITY CENTER RECRATION LEADERS - A7140.1612 \$4.00 per hour

Barbara Coia
Gregory Florczak
Lisz Kostelny
Jenny Krier
Elaine Myszka
Nadine Verga
Corinne Wirth
Timothy Wrotny
Mary E. Seivert

COMMUNITY CENTER RECREATION ATTENDANTS - A7140.1612 \$3.50 per hour

Domenica Cimato
Rachelle Wiseman
Carmella Zuccaro

WRESTLING INSTRUCTOR - SCHOOL PROGRAM - A7140.1615 \$5.00 per hour

Matthew Haberl

SYNCHRONIZED SWIM SUPERVISOR - A7140.1615 \$5.00 per hour

Michelle Kunkel

LIFE GUARDS - SCHOOL SWIM PROGRAM - A7140.1615 \$3.50 per hour

Gregory Czarnecki
Douglas Kenjockety

LIFEGUARD SUPERVISOR - SSCHOOL SWIM PROGRAM - A7140.1615 \$5.00 per hour

Kevin Kuehmeier

Upon Roll Call....

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

Item No. 22 Establishment of Cheektowaga Ad Hoc Sports Committee
This item was withdrawn.

IV. DEPARTMENTAL COMMUNICATIONS

- Item No. 23 Quarterly report from Disaster Coordinator from July to September Received and Filed.
- Item No. 24a Minutes of September meeting of Cheektowaga Planning Board Received and Filed.
- Item No. 24b Minutes of September meeting of Cheektowaga Traffic Safety Commission Received and Filed.

V. GENERAL COMMUNICATIONS

- Item No. 25 N.Y.S. Department of Trans. - Designation of Restricted Highway - portion of Walden Avenue and portion of Union Road
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. 26 Notice of Petition - Joseph Marino & Paul Smith vs Zoning Board of Appeals.
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Ron Marten, Supervising Building and Plumbing Inspector; Sal LaGreca, Planning Board Chairman
Received and Filed.
- Item No. 27 Petition (Special Franchise Assessment) N.Y. Telephone
Received and Filed.
- Item No. 28 Summons & Complaint - Marie Yetman 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; Joseph J. Naples, Insurance Carrier.
Received and Filed.
- Item No. 29a Notice of Claim - Theresa Agro 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; Joseph J. Naples, Insurance Carrier.
Received and Filed.
- Item No. 29b Notice of Claim - Kenneth J. Wisz 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; Laverack & Haines, Insurance Carrier.
Received and Filed.

VI. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak to suspend the rules to include the following seven (7) items.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 30 Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, the Pine Hill Hose Company will be holding its annual Halloween celebration on Monday, October 31, 1988, and

WHEREAS, the Pine Hill Hose Company, as part of their celebration, will be sponsoring a parade commencing at 7:00 P.M., and

WHEREAS, the parade route will begin at the Melvin Sliwinski parking lot at 85 George Urban, proceed west on George Urban to Kaufman Road, south on Kaufman to Peach Tree Road, west on Peach Tree to Normandy, and north on Normandy to Pine Hill Hose Company #5 Fire Hall, NOW, THEREFORE, BE IT

RESOLVED that for pedestrian and vehicular safety, the Chief of Police is hereby authorized to arrange for necessary traffic and escort services and to insure compliance with the Vehicle and Traffic Law.

Upon Roll Call....

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

Item No. 31 Authorization for Sanitation Department employee to attend workshop
This item was withdrawn.

Item No. 32 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 16 Oehman Boulevard, SBL #91.06-15-23 and according to the Assessors' Office is owned by Walter Bielinski, 16 Oehman Boulevard, Cheektowaga, New York 14225, and

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 33 Memorialize State Legislature and Governor to appropriate moneys to enable DOT to purchase and plant trees along Broadway
This item was withdrawn.

Item No. 34 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, the New York State Department of Transportation proposes the reconstruction of William Street from the Buffalo City Line to Laura Court and also the Thruway Interchange at William Street in the Town of Cheektowaga, County of Erie, and

WHEREAS, as part of these roadway improvements, it is necessary to undertake Town-owned utility improvements, NOW, THEREFORE, BE IT

Item No. 34 cont'd

RESOLVED that the Town of Cheektowaga grants permission to the State of New York to perform utility improvements and adjustments as necessary and as required by the William Street Road Improvement Project, and BE IT FURTHER

RESOLVED that the Town is not required to incur any costs relative to this road improvement project, including costs associated with traffic signalization or with street lighting relocation, removal and replacement, if any additional charges are required by the utility company, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to sign the agreement submitted by the New York State Department of Transportation on behalf of this Town Board, and BE IT FURTHER

RESOLVED that certified copies of this resolution be forwarded to Assemblyman Paul Tokasz and State Senator Dale Volker.

Upon Roll Call....

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

Item No. 35 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

WHEREAS, in September of 1984, two police vehicles were involved in an accident with a vehicle driven by Daniel B. McCray, who was thereafter arrested and convicted of reckless endangerment, and

WHEREAS, the Town police vehicles sustained damages in the amount of \$3,647.55 resulting from such accident, and

WHEREAS, the Town's insurance carrier, United States Fidelity & Guaranty Company ("USF&G"), reimbursed the Town for said damages less \$1,000 deductible per vehicle, and

WHEREAS, Daniel B. McCray was ordered to make restitution to the Town and the Town's insurance carrier for said damages, and

WHEREAS, the attorneys for USF&G have reached a settlement whereby Mr. McCray agrees to pay \$2,152.04 to the Erie County Department of Probation, which would then remit the money to the Town's insurance carrier, and

WHEREAS, the Town's insurance carrier will see to it that the Town receives its fair share of the settlement, and

WHEREAS, such settlement is acceptable to the Town Attorney's Office and the Police Department, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned proposed settlement offer be and hereby is approved by this Town Board, and BE IT FURTHER

RESOLVED that the Town Attorney's Office be and hereby is directed to notify the attorneys for USF&G of the approval of such settlement offer.

Upon Roll Call....

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

Item No. 36 Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, in December of 1987, Tadeusz Glowacki applied for a Special Use Permit for automobile repair specializing in electronic engines for premises located at 2033 William Street, Cheektowaga, New York, and

Item No. 36 cont'd

WHEREAS, by resolution dated May 16, 1988, this Town Board denied such Special Use Permit based on its findings that such use was not conducive to surrounding development in the area, and

WHEREAS, thereafter, Tadeusz and Margaret Glowacki instituted a legal proceeding in State Supreme Court challenging the decision of this Town Board, and

WHEREAS, by Court Order filed on August 26, 1988, the Hon. Joseph S. Forma ordered the Town Board to submit a record, properly established and clarifying the Board's decision that the Glowackis' proposed use of 2033 William Street is not conducive to surrounding development in the area, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby makes the following findings as a record showing that the Glowackis' proposed use of 2033 William Street is not conducive to the reasonable orderly development of mixed uses in the area:

1. A significantly large number of automotive related businesses including the following:

1960 William Street	American Auto Wrecking & Towing
1970 William Street	Mark's Auto Parts
1980 William Street	Greg's Auto Parts
2060 William Street	2060 Auto Parts
2070 William Street	City Line Auto Parts
1978 William Street	American Auto Parts
2009 William Street	Mark's Auto Parts
2011 William Street	Hartel Brothers Transmission
2021 William Street	Mark's Auto Parts (storage)
2081 William Street	State Motor Vehicle Auto Theft Bureau
2145 William Street	Clutch Artists, Inc.
2153 William Street	Waz's Complete Auto Repair

are located on William Street between the Buffalo City line and the former Lehigh and Lake Erie Branch Railroad line covering 1845+ feet of the 4116 + feet total frontage on such portion of William Street (approximately 45+ percent).

2. Residential homes are located on side streets immediately south of William Street including south of 2033 William Street, as evidenced by the Town's zoning map depicting such area.

and BE IT FURTHER

RESOLVED that although this Town Board recognizes that automobile repair is a permitted use with a special permit in a CM District, we conclude that the concentration of such uses in one area such as William Street is the antithesis of good planning; and based upon the aforesaid findings must deny the issuance of the special permit applied for by Tadeusz Glowacki.

Upon Roll Call....

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

Item No. 37 Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 26th day of October, 1988 at 6:45 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; Ron Marten, Building and Plumbing Inspector; Christopher Kowal, Highway Superintendent; Ralph Majchrowicz, Director of Administration and Finance; Chester Bryan, Town Engineer; John Malloy, CPA.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Kulyk, seconded by Councilman Johnson

WHEREAS, Losson Park Village Incorporated has requested permission to erect four (4) single dwelling model homes at 825, 829, 833 and 837 Losson Road, and

WHEREAS, 825, 829, 833 and 837 Losson Road presently do not have the availability of a public sanitary sewer, and

WHEREAS, Section 1313 of the Local Law For the Administration and Enforcement of the State Building Construction Code provides that the Town Board may issue Building Permits for structures that do not have the availability of a public sanitary sewer provided the applicant for the Building Permit furnishes the Town with a Surety Bond conditioned that the sanitary sewer serving such structures will be constructed within six (6) months after the issuance of the Building Permits, and

WHEREAS, Losson Park Village Incorporated has provided the Town of Cheektowaga with such Surety Bond, NOW, THEREFORE, BE IT

RESOLVED that the Losson Park Village Incorporated is granted building permits to erect four (4) single dwelling model homes at 825, 829, 833 and 837 Losson Road, and BE IT FURTHER

RESOLVED that such Building Permits are subject to the approval of plans and specifications by the Building Inspection Department.

Upon Roll Call....

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

Item No. 3 Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 26th day of October, 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; Ron Marten, Building and Plumbing Inspector; Christopher Kowal, Highway Superintendent; Ralph Majchrowicz, Director of Administration and Finance; Chester Bryan, Town Engineer; Don Wegner, Chairman of Zoning Board of Appeals; John Malloy, CPA.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the adoption of the Preliminary Benefit Basis Budget of the Town of Cheektowaga, 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 1989 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.

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 The Supervisor advised the Town Board that this was the time and place advertised for a Public Hearing on the estimates and revenues and expenditures for the year 1989 for the General Fund, Consolidated Garbage District and General Lighting Districts.

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

The Town Clerk then proceeded to read aloud the estimates of revenues and expenditures for the year 1989 for the General Fund, Consolidated Garbage District and General Lighting Districts.

The Supervisor then asked if anyone wished to speak either in favor or against the proposed Budget.

Comments were heard. Decision was reserved. The hearing was closed.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS HELD AT 6:30 P.M.

NO.

ITEM

Meeting No. 25 November 7, 1988

- 2 Rezoning from R-Residential to C-Retail Business District at 794 FRENCH RD.
- 3 Rezoning from C-Retail Business District to CM-General Commercial District and special Use Permit for used car sales at 470 CAYUGA ROAD

PUBLIC HEARINGS

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No. 25

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GENERAL COMMUNICATIONS

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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>
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41	Offer to County for purchase of property on French Road for drainage purposes	45
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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 7th day of November, 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; Casimir Kozminski, Assessor; Sam LaGreca, Employment and Training Director II; Robert Lis, Chief of Police; Ralph Majchrowicz, Director of Administration and Finance; Ronald Marten, Building Inspector; James Matecki, Foreman, Facilities Department; Michael Miecznikowski, Recreation Director; Raymond Pugh, Member of Planning Board; Donald Wegner, Chairman of Zoning Board of Appeals; Pat Wojcik, Coordinator of Senior Services.

I. PUBLIC HEARINGS

Item No. 2A This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Zoning Ordinance of the Town of Cheektowaga, 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:

* * * * *

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 A.(1)(b) which lists two family dwellings as a principal permitted use in a R Residence District shall be repealed.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS Section 82-21 B.(1)(b) and 82-21 (B)(2)(b) which pertain to the minimum lot width and minimum lot area for two family dwellings shall be repealed.

3. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 A.(1) which lists the principal permitted uses in a RA Apartment District shall be amended by the enactment of a new subdivision (c) for two family dwellings.

4. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 B. which pertains to lot width and lot area for principal permitted uses in a RA Apartment District shall be amended by deleting the words "two family dwelling" from subdivision (1)(a) and (2)(a), and by adding a new subdivision (1)(c) and (2)(c), providing the following:

Item No. 2A Cont'd.

(1) Lot width.

(c) Two family residence

- [1] Interior lot, eighty-five (85) feet.
- [2] Corner lot, ninety-five (95) feet.

(2) Lot area.

(c) Two family residence.

- [1] Interior lot, ten thousand two hundred (10,200) square feet
- [2] Corner lot, eleven thousand four hundred (11,400) square feet

5. RESOLVED THAT ARTICLE VII - NONCONFORMING USE REGULATIONS, Section 82-45, which pertains to the continuation of nonconforming uses, shall be amended by exempting two family residences from the restrictions provided for in Sections 82-47 (enlargement or extension of nonconforming uses) and 82-49 (restoration of damaged nonconforming structures); such exemption shall read as follows:

and except that neither the restrictions on the enlargement or extension of nonconforming uses provided for in Section 82-47 nor the restrictions on the restoration of damaged structures provided for in Section 82-49 shall apply to any two family residence made nonconforming by the reclassification of such residences as a principal permitted use in the R-Residence District to the RA Apartment District.

* * * * *

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.

Item No. 2B 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>
Airport Dr.	East-West	Dean Road	Northbound	S.E. Corner
Airport Dr.	East-West	Dean Road	Southbound	N.W. Corner

* * * * *

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

Item No. 2C This being the time and place advertised for a public hearing to consider the advisability of adopting A Local Law for Snowplowing, 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 THREE (3) PAGES FOR COPY OF LOCAL LAW FOR SNOW PLOWING

* * * * *

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.

CHAPTER 61

SNOWPLOWING

Section 61-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

VEHICLE - any vehicle, as defined in the Vehicle and Traffic Law of the State of New York, licensed to operate on the highways of the State of New York and used to plow snow; but the term shall not include a vehicle used solely by a person, firm or corporation to plow snow within the confines of his or its own property, whether owned or leased.

Section 61-2. Permit Required.

No person, firm or corporation shall plow snow or cause or allow snow to be plowed by the use of any vehicle within the Town of Cheektowaga, outside of the Villages of Depew and Sloan, unless a permit therefor, as hereinafter prescribed, issued by the Town Clerk is in full force and effect. Such permit shall be prominently displayed by affixing it to the driver's side window of the vehicle as forward as possible so as to be readily visible from the exterior thereof.

Section 61-3. Application Procedure/Fees.

A. Application for such permit shall be made to the Town Clerk by the owner of the vehicle, in writing, upon forms to be furnished by said Town Clerk. Such forms shall contain:

- (1) the owner's name and address;
- (2) the vehicle identification number;
- (3) the New York State license number; and
- (4) such additional information as the Town Clerk shall require.

The Town Clerk may require such documents and information as may be reasonably necessary to verify the facts stated on such application.

- B. The applicant shall, at the time of the filing of his application, pay a permit fee of twenty-five dollars (\$25.00) for each vehicle.
- C. The applicant shall, at the time of the filing of his application, provide a certificate of insurance showing that the applicant has personal automobile insurance covering property damage and bodily injury. The certificate of insurance shall indicate that notice of cancellation be given to the Town of Cheektowaga at least thirty (30) days prior to such cancellation.
- D. Such permit shall commence on October 1st and expire on April 30th of the following year and shall be in such form as the Town Clerk shall prescribe.

Section 61-3. Application Procedure/Fees. (cont')

- E. Such permit shall not be transferable to another owner and the permit fee shall not be pro-rated during the term of the permit.
- F. The permit holder shall sign a permit application indicating that he agrees to hold the Town of Cheektowaga, its agents, servants and employees harmless from any and all damages and/or causes of action which may arise out of his snowplowing operations within the town.
- G. In the event the Town Clerk refuses to issue a permit hereunder, the applicant shall have the right to appeal such refusal to the Town Board.

Section 61-4. Regulation of Snow Removal.

- A. No person shall plow, shovel, sweep or pile snow, ice or other such materials in or beyond the right-of-way of any street or public highway or cause such to be done so as to interfere with the safety and convenience of public travel, or such as to constitute an obstruction of the sight of persons traveling by vehicle or by foot on public streets or sidewalks or on private driveways.
- B. No person shall plow, shovel or pile snow from a private or public driveway in such a manner as to deposit same in the public roadway or on a public sidewalk or across the street from said driveway.

Section 61-5. Enforcement.

This chapter shall be enforced by the members of the Cheektowaga Police Department and the Superintendent of Highways of the Town of Cheektowaga.

Section 61-6. Penalties for Offenses.

- A. The Town Board may, following a hearing before such Town Board, with regard to violation of any of the terms and conditions of this chapter, revoke or suspend the permit or permits granted to any person, firm or corporation under the authority of this chapter or any law, ordinance, rule or regulation relating to snowplowing or snow removal.
- B. In addition to any other penalties that may be involved under this chapter, any violation by a person, firm or corporation of any provision of this chapter shall be deemed an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or both.
- C. Any person who takes part in or assists in any violation of this chapter shall be subject to the penalties provided herein.

Section 61-7. Procedures for Hearings.

- A. Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Town Board.
- B. The Town Clerk shall give notice of any hearing to be held hereunder, stating the name and address, the applicant/permit holder, the subject matter of the hearing, and the date, place and hour designated therefor, by mailing a copy of such notice to the applicant/permit holder at the address shown on the application for permit at least ten (10) days prior to the date of such hearing.
- C. The applicant/permit holder shall be entitled to be represented by legal counsel and to present such evidence as may be relevant at any hearing held on the denial, suspension or revocation of any permit.

Section 61-8. Severability.

If any article, section, subdivision, paragraph or provision of this chapter is adjudged to be invalid, such adjudication shall apply only to such portion thereof so expressly adjudged invalid, and the remainder of this chapter shall be deemed to be in all respects valid and effective.

II. RESOLUTIONS

Item No. 3A Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Town Board Members, and persons in charge of the various departments of the Town Government have submitted estimates of revenues and expenditures for the year of 1989, for the General Funds, Highway Fund, Consolidated Garbage District and General Lighting Districts, and

WHEREAS, the Town Board has adopted certain estimates at its Preliminary Budget Hearing, and

WHEREAS, a Public Hearing was duly held on October 26, 1988 at 7:00 o'clock P.M., in relation to such Preliminary Ad Valorem Budget as provided by law, NOW, THEREFORE, BE IT

RESOLVED that the following estimates and expenditures be adopted as the 1989 Budget for the Town of Cheektowaga and the respective districts therein.

and, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to make application to the Erie County Legislature to have levied and spread against the taxable property liable therefor the amounts hereinbefore stated and that such sums when collected be paid to the Supervisor of the Town of Cheektowaga as provided by law.

* * * * *

Motion by Councilman Gabryszak Seconded by Councilman Johnson to amend the resolution regarding the adoption of the 1989 Ad Valorem Budget by changing the following items:

AMENDMENT #1 - DELETE:

01-1010-0001-1351 to 01-1010-0001-1356
Council Staff Assistants & FICA - \$3,000 each = \$18,000 + \$1,352

Upon Roll Call....

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

*THE ABOVE AMENDMENT WAS DENIED!

AMENDMENT #2 - ADD:

01-1010-0001-1391
Part-time position & FICA - \$4,300 \$323

*THE ABOVE AMENDMENT WAS WITHDRAWN

Item No. 3A Cont'd.

AMENDMENT #3 - DELETE:

01-1220-1380
Purchasing Co-ordinator, FICA & Fringes -
\$30,000 \$2,253. \$3,475

Upon Roll Call....

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

*THE ABOVE AMENDMENT WAS DENIED!

AMENDMENT #4 - ADD:

Motion by Councilman Kulyk Seconded by Councilman Johnson to amend
this item to read a reduction of \$28,000 in the Contingency Account and transfer to
Police Patrolmen Account:

01-3120-0001-1541
Patrolman - \$28,000

Upon Roll Call....

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

*THE ABOVE AMENDMENT WAS APPROVED!

* * * * *

Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Town Board Members, and persons in charge of the various
departments of the Town Government have submitted estimates of revenues and expen-
ditures for the year of 1989, for the General Funds, Highway Fund, Consolidated
Garbage District and General Lighting Districts, and

Item No. 3A Cont'd.

WHEREAS, the Town Board has adopted certain estimates at its Preliminary Budget Hearing, and

WHEREAS, a Public Hearing was duly held on October 26, 1988 at 7:00 o'clock P.M., in relation to such Preliminary Ad Valorem Budget as provided by law, NOW, THEREFORE, BE IT

RESOLVED that the following estimates and expenditures be adopted as the 1989 Budget for the Town of Cheektowaga and the respective districts therein.

* * * * *

TOWN OF CHEEKTOWAGA

1989

AD VALOREM BUDGET

*SEE NEXT PAGES FOR AMENDED COPY OF AD VALOREM BUDGET!

RECEIVED

1988 NOV -4 PM 4: 12

CHEEKTOWAGA
TOWN CLERK

TOWN OF CHEEKTOWAGA
NEW YORK

1989

FINAL AD VALOREM BUDGET

GENERAL, GENERAL TOWN OUTSIDE VILLAGE,
HIGHWAY, RISK RETENTION,
CONSOLIDATED GARBAGE AND GENERAL LIGHTING FUNDS

TOWN OF CHEEKTOWAGA, NEW YORK

FINAL AD VALOREM BUDGET

1989

TABLE OF CONTENTS

=====

FUND #		PAGES	TOTAL
01	General Fund		
	- Appropriations	1-69	16,540,367
	- Estimated Revenues	1-3	(16,540,367)
03	Highway Fund		
	- Appropriations	1-18	4,494,476
	- Estimated Revenues	1-2	(4,494,476)
08	Town Outside Villages		
	- Appropriations	1-7	417,477
	- Estimated Revenues	1	(417,477)
10	Risk Retention		
	- Appropriations	9	568,000
	- Estimated Revenues	1	(568,000)
15	Consolidated Garbage		
	- Appropriations	1-5	4,545,706
	- Estimated Revenues	1	(4,545,706)
90	General Lighting		
	- Appropriations	1-4	1,735,360
	- Estimated Revenues	1	(1,735,360)

	FINAL ADOPTED BUDGET
FUND 1 - GENERAL FUND DEPARTMENT 1010 - TOWN BOARD SUB. OBJ. 1 - PERSONAL SERVICES	
01-1010-0001-1002 COUNCILMEN	96,174.00
01-1010-0001-1301 COUNCIL SECRETARY	24,480.00
01-1010-0001-1351 STAFF ASST GABRYSZ	3,000.00
01-1010-0001-1352 STAFF ASST JAWOROWICZ	3,000.00
01-1010-0001-1353 STAFF ASST JOHNSON	3,000.00
01-1010-0001-1354 STAFF ASST KAZUKIEWICZ	3,000.00
01-1010-0001-1355 STAFF ASST KULYK	3,000.00
01-1010-0001-1356 STAFF ASST SOLECKI	3,000.00
01-1010-0001-1361 CLERK-STENO	22,085.00
01-1010-0001-1391 PART-TIME CLERICAL	
SUB. OBJ. RECAP	160,739.00
SUB. OBJ. 4 - CONTRACTUAL EXPENSES	
01-1010-0004-4001 OFFICE SUPPLIES	6,300.00
01-1010-0004-4100 COPYER-MAINT. AGREE.	3,000.00
SUB. OBJ. RECAP	9,300.00

FINAL ADOPTED
BUDGET

FUND 1 - GENERAL FUND
DEPARTMENT 1110 - JUSTICE
SUP. OBJ. 1 - PERSONAL SERVICES

TOTAL EXPENSES 170,039.00

TOTAL DEPT. 170,039.00

FINAL ADOPTED
BUDGET

1 - GENERAL FUND	
1110 - JUSTICE	
1 - PERSONAL SERVICES	
OBJ.	
01-1110-0001-1003	67,658.00
JUSTICES	
01-1110-0001-1302	32,790.00
JUSTICE CLERK	
01-1110-0001-1303	25,386.00
COURT CLERK	
01-1110-0001-1351	46,091.00
SENIOR CLERK	
01-1110-0001-1374	138,903.00
CLERK-TYPIST	
01-1110-0001-1391	16,577.00
PART-TIME CLERK	
SUB. OBJ. RECAP	327,405.00

2 - EQUIPMENT	
OBJ.	
01-1110-0002-2205	
COPIER	
01-1110-0002-2501	
OTHER EQUIPMENT	

SUB. OBJ. RECAP

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-1110-0004-4001	17,010.00
OFFICE SUPPLIES	
01-1110-0004-4051	2,500.00
MICROFILMING	
01-1110-0004-4067	
SEMINARS & CONFERENCES	

	FINAL ADOPTED BUDGET
FUND	1 - GENERAL FUND
DEPARTMENT	1110 - JUSTICE
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
01-1110-0004-4591 JUROR FEES	1,500.00
01-1110-0004-4592 CONTRACTED CLERICAL	7,000.00
SUB. OBJ. RECAP	28,010.00
TOTAL EXPENSES	355,415.00
TOTAL DEPT.	355,415.00

	FINAL ADOPTED BUDGET
ND	1 - GENERAL FUND
DEPARTMENT	1220 - SUPERVISOR
SUB. OBJ.	1 - PERSONAL SERVICES
○ 1-1220-0001-1001	49,407.00
SUPERVISOR	
○ 1-1220-0001-1104	9,320.00
DISASTER COORDINATOR	
○ 1-1220-0001-1304	
SUPERVISING ACCOUNTANT	
○ 1-1220-0001-1305	24,111.00
SECRETARY TO SUPERVISOR	
○ 1-1220-0001-1306	29,957.00
DIRECTOR ADMIN. FINANCE	
○ 1-1220-0001-1310	5,000.00
BUDGET DIRECTOR	
○ 1-1220-0001-1341	30,553.00
JUNIOR ACCOUNTANT	
○ 1-1220-0001-1351	23,157.00
SENIOR CLERK	
○ 1-1220-0001-1374	60,046.00
CLERK-TYPIST	
○ 1-1220-0001-1380	30,000.00
PURCHASING CO-ORDINATOR	
○ 1-1220-0001-1391	16,965.00
PART-TIME CLERICAL	
○ 1-1220-0001-1982	86,083.00-
SPECIAL DIST.ALLOCATION	
SUB. OBJ. RECAP	192,433.00
SUB. OBJ.	2 - EQUIPMENT
○ 1-1220-0002-2201	
OFFICE EQUIPMENT	
○ 1-1220-0002-2205	
PIER	

FINAL ADOPTED
BUDGET

FUND 1 - GENERAL FUND
 DEPARTMENT 1220 - SUPERVISOR
 SUB. OBJ. 2 - EQUIPMENT

01-1220-0002-2209
 COMMUNICATION EQUIPMENT

01-1220-0002-2210
 PERFORATOR

01-1220-0002-2211
 COMPUTER (PC)

SUB. OBJ. RECAP

SUR. OBJ. 4 - CONTRACTUAL EXPENSES

01-1220-0004-4001 18,000.00
 OFFICE SUPPLIES

01-1220-0004-4008 9,500.00
 DISASTER COORD. EXPENSE

01-1220-0004-4010 5,000.00
 DISASTER PREPAREDNESS

01-1220-0004-4011 6,750.00
 PRINTED FORMS

01-1220-0004-4087
 CONFERENCES & SEMINARS

01-1220-0004-4321 30,000.00
 COMPUTER EXPENSE

01-1220-0004-4513
 ASSET APPRAISALS

01-1220-0004-4701 4,000.00
 COUPON EXPENSE

01-1220-0004-4957 24,000.00
 GRANT DEVELOPMENT

SUB. OBJ. RECAP 97,250.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND
DEPARTMENT	1320 - OUTSIDE ACCTG & AUDITING
SUB. OBJ.	4 - CONTRACTUAL EXPENSES

TOTAL EXPENSES 289,683.00

TOTAL DEPT. 289,683.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	1320 - OUTSIDE ACCTG & AUDITING	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-1320-0004-4506		25,000.00
ACCTG & AUDITING SERVIC		
SUB. OBJ. RECAP		25,000.00
TOTAL EXPENSES		25,000.00
TOTAL DEPT.		25,000.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	1330 - TAX COLLECTION	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-1330-0001-1006		33,691.00
RECEIVER OF TAXES		
01-1330-0001-1164		23,153.00
DEPUTY TAX RECEIVER		
01-1330-0001-1392		43,375.00
SEASONAL CLERICAL		
SUB. OBJ. RECAP		100,419.00
SUB. OBJ.	2 - EQUIPMENT	
01-1330-0002-2209		
MISC. OFFICE EQUIPMENT		
SUB. OBJ. RECAP		
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-1330-0004-4001		7,380.00
OFFICE SUPPLIES		
01-1330-0004-4051		1,000.00
MICROFICHE RECORDS		
01-1330-0004-4087		
SEMINARS & CONFERENCES		
01-1330-0004-4100		5,000.00
MAINTENANCE AGREEMENTS		
01-1330-0004-4431		4,000.00
EQUIPMENT-REPAIRS/EMANT.		
SUB. OBJ. RECAP		17,380.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND
DEPARTMENT	1355 - ASSESSOR
SUB. OBJ.	1 - PERSONAL SERVICES

TOTAL EXPENSES	117,799.00
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TOTAL DEPT.	117,799.00
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FINAL ADOPTED
BUDGET

ID
 DEPARTMENT 1355 - GENERAL FUND
 SUB. OBJ. 1 - ASSESSOR
 1 - PERSONAL SERVICES

O 1-1355-0001-1101 34,945.00
 ASSESSOR

O 1-1355-0001-1163 33,432.00
 REAL PRDP APPRAISER

O 1-1355-0001-1351 66,299.00
 SENIOR CLERK

O 1-1355-0001-1374 19,199.00
 CLERK-TYPIST

O 1-1355-0001-1391 7,500.00
 PART TIME CLERICAL

O 1-1355-0001-1403 26,937.00
 PROPERTY APPRAISAL TECH

SUB. OBJ. RECAP 188,312.00

SUB. OBJ. 2 - EQUIPMENT

O 1-1355-0002-2201
 OFFICE EQUIPMENT

SUB. OBJ. RECAP

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

O 1-1355-0004-4001 3,150.00
 OFFICE SUPPLIES

O 1-1355-0004-4067
 CONFERENCES & SEMINARS

O 1-1355-0004-4359 51,000.00
 ERIE COUNTY REASSESSMEN

O 1-1355-0004-4561 75,000.00
 CONTRACTED LEGAL

	FINAL ADOPTED BUDGET
FUND	
1 - GENERAL FUND	
DEPARTMENT 1355 - ASSESSOR	
SUB. OBJ. 4 - CONTRACTUAL EXPENSES	
01-1355-0004-4575	25,000.00
CONTRACTED APPRAISALS	
SUB. OBJ. RECAP	154,150.00
TOTAL EXPENSES	342,462.00
TOTAL DEPT.	342,462.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	1356 - TAX ASSESSMENT BOARD	
OBJ.	1 - PERSONAL SERVICES	
○ 1-1356-0001-1053		3,668.00
ASSESSMENT REVIEW BOARD		
SUB. OBJ. RECAP		3,668.00
SUP. OBJ.	4 - CONTRACTUAL EXPENSES	
○ 1-1356-0004-4001		270.00
OFFICE SUPPLIES		
○ 1-1356-0004-4511		1,500.00
TRANSCRIPT SERVICES		
SUB. OBJ. RECAP		1,770.00
TOTAL EXPENSES		5,438.00
TOTAL DEPT.		5,438.00

FINAL ADOPTED
BUDGET

ND
 DEPARTMENT 1 - GENERAL FUND
 1410 - TOWN CLERK
 SUP. OBJ. 1 - PERSONAL SERVICES

01-1410-0001-1005 39,139.00
 TOWN CLERK

01-1410-0001-1154 26,134.00
 1ST DEPUTY TOWN CLERK

01-1410-0001-1155 24,667.00
 2ND DEPUTY TOWN CLERK

01-1410-0001-1361 62,690.00
 CLERK-STENO

01-1410-0001-1375 20,539.00
 TELEPHONE OPERATOR

01-1410-0001-1376 23,080.00
 SENIOR CLERK TYPIST

01-1410-0001-1391 17,170.00
 PART-TIME CLERICAL

SUB. OBJ. RECAP 213,419.00

SUP. OBJ. 4 - CONTRACTUAL EXPENSES

01-1410-0004-4001 22,500.00
 OFFICE SUPPLIES

01-1410-0004-4051 2,000.00
 MICROFILMING

01-1410-0004-4087
 CONFERENCES & SEMINARS

01-1410-0004-4111 20,000.00
 PUBLISHING NOTICES

01-1410-0004-4593 4,000.00
 CONTRACTED STENO

SUB. OBJ. RECAP 48,500.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
DEPARTMENT	1420 - ATTORNEY
SUP. OBJ.	1 - PERSONAL SERVICES

TOTAL EXPENSES	261,919.00
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TOTAL DEPT.	261,919.00
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FINAL ADOPTED
BUDGET

ND
 DEPARTMENT 1 - GENERAL FUND
 1420 - ATTORNEY
 SUB. OBJ. 1 - PERSONAL SERVICES

01-1420-0001-1102 TOWN ATTORNEY	36,944.00
01-1420-0001-1151 DEPUTY ATTORNEY	43,117.00
01-1420-0001-1301 LEGAL STENO	22,148.00
01-1420-0001-1452 SPECIAL DIST. ALLOCATI	40,884.00-
SUB. OBJ. RECAP	61,325.00

SUB. OBJ. 2 - EQUIPMENT

01-1420-0002-2201
OFFICE EQUIPMENT

SUB. OBJ. RECAP

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-1420-0004-4001 OFFICE SUPPLIES	2,520.00
01-1420-0004-4012 PRINTED BRIEFS	1,500.00
01-1420-0004-4013 LAW BOOKS	3,000.00
01-1420-0004-4087 CONFERENCES & SEMINARS	
01-1420-0004-4501 CONTRACTED LEGAL SERVIC	20,000.00
SUB. OBJ. RECAP	27,020.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND
DEPARTMENT	1430 - PERSONNEL
SUP. OBJ.	1 - PERSONAL SERVICES

TOTAL EXPENSES	86,345.00
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TOTAL DEPT.	86,345.00
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FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
PARTMENT	1430 - PERSONNEL	
B. OBJ.	1 - PERSONAL SERVICES	
C1-1430-0001-1125		35,257.00
COORDINATOR-EMP RELATIO		
C1-1430-0001-1301		20,960.00
PERSONNEL SECRETARY		
C1-1430-0001-1982		15,053.00-
SPECIAL DIST ALLOCATION		
SUB. OBJ. RECAP		40,174.00
SUB. OBJ.	2 - EQUIPMENT	
C1-1430-0002-2201		
OFFICE EQUIPMENT		
SUB. OBJ. RECAP		
B. OBJ.	4 - CONTRACTUAL EXPENSES	
C1-1430-0004-4001		2,700.00
OFFICE SUPPLIES		
C1-1430-0004-4013		2,000.00
REFERENCE LIBRARY		
C1-1430-0004-4087		
CONFERENCE AND SEMINARS		
C1-1430-0004-4502		15,000.00
LEGAL		
C1-1430-0004-4882		5,711.00-
SPECIAL DIST ALLOCATION		
SUB. OBJ. RECAP		13,989.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
PARTMENT	1440 - ENGINEER
B. OBJ.	1 - PERSONAL SERVICES

TOTAL EXPENSES	54,163.00
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TOTAL DEPT.	54,163.00
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FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
PARTMENT	1440 - ENGINEER	
P. OBJ.	1 - PERSONAL SERVICES	
01-1440-0001-1105		50,302.00
TOWN ENGINEER		
01-1440-0001-1361		41,764.00
CLERK-STENO		
01-1440-0001-1401		26,269.00
ENGINEERING AIDE		
01-1440-0001-1402		66,754.00
PRINCIPAL ENGINEER ASST		
01-1440-0001-1404		60,135.00
SR. ENGINEERING ASST.		
01-1440-0001-1406		36,769.00
ASST. TOWN ENGINEER		
01-1440-0001-1982		228,350.00-
SPECIAL DIST. ALLOCATIO		
SUB. OBJ. RECAP		55,643.00
SUP. OBJ.	2 - EQUIPMENT	
01-1440-0002-2205		
COPIER		
SUB. OBJ. RECAP		
SUP. OBJ.	4 - CONTRACTUAL EXPENSES	
01-1440-0004-4001		1,600.00
OFFICE SUPPLIES		
01-1440-0004-4041		
MIMEOGRAPHING SUPPLIES		
01-1440-0004-4042		500.00
MAPS		

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	1440 - ENGINEER	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-1440-0004-4067	CONFERENCES & SEMINARS	
01-1440-0004-4191	MISCELLANEOUS EXPENSES	3,000.00
01-1440-0004-4325	COPY MACHINE SUPPLIES	4,800.00
01-1440-0004-4538	RODENT CONTROL	2,500.00
01-1440-0004-4594	P.I.P. CONSULTANTS	80,000.00
SUB. OBJ. RECAP		92,600.00
TOTAL EXPENSES		148,243.00
TOTAL DEPT.		148,243.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	1450 - ELECTION	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-1450-0004-4191	MISCELLANEOUS EXPENSES	500.00
01-1450-0004-4211	ELECTRIC	600.00
01-1450-0004-4342	POLLING PLACE RENTAL	5,550.00
01-1450-0004-4431	EQUIPMENT REPAIRS & MAINT	7,000.00
01-1450-0004-4551	MOVING MACHINES	6,250.00
01-1450-0004-4594	ELECTION INSPECTORS	77,210.00
SUB. OBJ. RECAP		99,110.00
TOTAL EXPENSES		99,110.00
TOTAL DEPT.		99,110.00

		FINAL ADOPTED BUDGET
ND	1 - GENERAL FUND	
DEPARTMENT	1625 - BUILDING MAINTENANCE	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-1625-0001-1203		81,248.00
WORKING CREW CHIEF		
01-1625-0001-1391		7,070.00
PART-TIME CLERICAL		
01-1625-0001-1411		37,759.00
CLEANER		
01-1625-0001-1422		134,011.00
GENERAL MECHANIC		
01-1625-0001-1431		50,415.00
MAINTENANCE WORKER		
01-1625-0001-1452		25,686.00
ELC MAINTENANCE WORKER		
01-1625-0001-1491		26,350.00
PART TIME LABORER		
01-1625-0001-1495		16,500.00
SEASONAL LABOR-ST LIGHT		
01-1625-0001-1982		53,258.00-
SPECIAL DISTRICT ALLOCA		
SUB. OBJ. RECAP		326,731.00
SUB. OBJ.	2 - EQUIPMENT	
01-1625-0002-2101		
MISCELLANEOUS EQUIPMENT		
SUB. OBJ. RECAP		
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-1625-0004-4001		450.00
OFFICE SUPPLIES		

FINAL ADOPTED
BUDGET

NO DEPARTMENT SUB. OBJ.	1 - GENERAL FUND 1625 - BUILDING MAINTENANCE 4 - CONTRACTUAL EXPENSES	
01-1625-0004-4021 MAINTENANCE SUPPLIES		11,500.00
01-1625-0004-4071 UNIFORM REPLACEMENTS		1,850.00
01-1625-0004-4202 TELEPHONE-TOWNWIDE		110,000.00
01-1625-0004-4211 ELECTRIC		
01-1625-0004-4217 UTILITIES		144,000.00
01-1625-0004-4432 REPAIRS & MAINTENANCE		62,000.00
01-1625-0004-4489 MAINT. TOOL REPLACEMENT		1,500.00
01-1625-0004-4982 SPECIAL DISTRICT ALLOCA		
SUB. OBJ. RECAP		331,300.00
TOTAL EXPENSES		658,031.00
TOTAL DEPT.		658,031.00

FINAL ADOPTED
BUDGET

FUND 1 - GENERAL FUND
 DEPARTMENT 1640 - CENTRAL GARAGE
 SUP. OBJ. 1 - PERSONAL SERVICES

01-1640-0001-1201 37,578.00
GENERAL CREW CHIEF

01-1640-0001-1202 33,277.00
AUTO MECH. CREW CHIEF

01-1640-0001-1391 7,200.00
PART-TIME CLERICAL

01-1640-0001-1412 33,222.00
LABORER

01-1640-0001-1442 214,069.00
AUTO MECHANIC

01-1640-0001-1443 27,187.00
AUTO BODY REPAIRMAN

01-1640-0001-1445 25,046.00
WELDER

01-1640-0001-1492 7,839.00
SEASONAL LABORERS

01-1640-0001-1982 312,937.00-
SPECIAL DIST ALLOCATION

SUB. OBJ. RECAP 72,481.00

SUB. OBJ. 2 - EQUIPMENT

01-1640-0002-2501
OTHER EQUIPMENT

SUB. OBJ. RECAP

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-1640-0004-4001 1,000.00
OFFICE SUPPLIES

	FINAL ADOPTED BUDGET
FUND DEPARTMENT SUB. OBJ.	1 - GENERAL FUND 1640 - CENTRAL GARAGE 4 - CONTRACTUAL EXPENSES
01-1640-0004-4021 MAINTENANCE SUPPLIES	16,800.00
01-1640-0004-4072 UNIFORM CLEANING	5,200.00
01-1640-0004-4161 GASOLINE	90,000.00
01-1640-0004-4441 EQUIP. REPAIR-POLICE	55,032.00
01-1640-0004-4442 EQUIP. REPAIR-SEWER	20,000.00
01-1640-0004-4443 EQUIP. REPAIR-SANITATIO	224,000.00
01-1640-0004-4445 PARKS-EQUIP. REPAIR	14,000.00
01-1640-0004-4446 INT. & REP. MOTOR EQUIP	19,316.00
01-1640-0004-4447 COLLISION REPAIRS	12,869.00
01-1640-0004-4448 AUTO WASHING	5,017.00
01-1640-0004-4449 SP. CITIZENS REPAIR	5,000.00
01-1640-0004-4982 SPECIAL DISTRICT ALLOCA	244,000.00-
SUB. OBJ. RECAP	225,034.00
TOTAL EXPENSES	297,515.00
TOTAL DEPT.	297,515.00

FINAL ADOPTED
BUDGET

ND
PARTMENT
SUP. OBJ.

- 1 - GENERAL FUND
- 1670 - CENTRAL MAILING
- 1 - PERSONAL SERVICES

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	1670 - CENTRAL MAILING	
OBJ.	1 - PERSONAL SERVICES	
01-1670-0001-1305		5,476.00
PART-TIME MAIL CLERK		
SUB. OBJ. RECAP		5,476.00
TOTAL EXPENSES		5,476.00
TOTAL DEPT.		5,476.00

FINAL ADOPTED
BUDGET

DEPT.	1 - GENERAL FUND	
DEPT.	1910 - SPECIAL ITEMS	
DEPT.	4 - CONTRACTUAL EXPENSES	
01-1910-0004-4081	MUNICIPAL ASSN. DUES	5,000.00
01-1910-0004-4082	GOV'T BUSINESS TRAVEL	20,740.00
01-1910-0004-4083	PRIVATE VEHICLE REIMBU	6,000.00
01-1910-0004-4085	LOCAL EDUCATION EXPENSE	3,000.00
01-1910-0004-4101	UNALLOCATED INSURANCE	196,000.00
01-1910-0004-4261	POSTAGE	55,000.00
01-1910-0004-4352	ERIE COUNTY CHARGEBACKS	57,000.00
01-1910-0004-4459	ALEXANDER ST. SCHOOL	
01-1910-0004-4703	JUDGEMENTS & CLAIMS	
01-1910-0004-4706	REAL PROPERTY TAXES	7,500.00
01-1910-0004-4711	CONTINGENCY ACCOUNT	207,500.00
	SUB. OBJ. RECAP	557,740.00
	TOTAL EXPENSES	557,740.00
	TOTAL DEPT.	557,740.00

FINAL ADOPTED
BUDGET

- 1 - GENERAL FUND
- 3020 - COMMUNICATION SYSTEM
- 2 - EQUIPMENT

ND
PARTMENT
B. DRJ.

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
DEPARTMENT	3020 - COMMUNICATION SYSTEM
SUB. OBJ.	2 - EQUIPMENT

01-3020-0002-2513
COMMUNICATIONS EQUIP.

SUB. OBJ. RECAP

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-3020-0004-4022 18,331.00
MAINTENANCE CONTRACTS

01-3020-0004-4029 3,480.00
SUPPLIES

01-3020-0004-4431 1,910.00
EQUIP. REPAIRS & MAINT.

SUB. OBJ. RECAP 23,721.00

TOTAL EXPENSES 23,721.00

TOTAL DEPT. 23,721.00

		FINAL ADOPTED BUDGET
FUND	1 - GENERAL FUND	
DEPARTMENT	3120 - POLICE DEPARTMENT	
OBJ.	1 - PERSONAL SERVICES	
01-3120-0001-1112	POLICE CHIEF	65,370.00
01-3120-0001-1153	ASS'T POLICE CHIEF	50,401.00
01-3120-0001-1351	SENIOR CLERK	67,761.00
01-3120-0001-1371	CLERK	18,747.00
01-3120-0001-1374	CLERK-TYPIST	78,093.00
01-3120-0001-1376	SENIOR-CLERK TYPYST	22,887.00
01-3120-0001-1391	PART-TIME CLERK	23,000.00
01-3120-0001-1501	CAPTAINS	256,423.00
01-3120-0001-1511	LIEUTENANTS	442,719.00
01-3120-0001-1531	DETECTIVES	734,653.00
01-3120-0001-1541	TRULMEN	3,080,079.00
01-3120-0001-1551	SARGENT	294,081.00
01-3120-0001-1561	DISPATCHERS	157,500.00
01-3120-0001-1571	BINGO INSPECTOR	34,073.00
01-3120-0001-1581	MATRONS	18,060.00
01-3120-0001-1591	CROSSING GUARDS	170,000.00
01-3120-0001-1605	GRAPHIC ARTIST	18,478.00
SUB. OBJ. RECAP		5,532,325.00

FINAL ADOPTED
BUDGET

1 - GENERAL FUND	
3120 - POLICE DEPARTMENT	
2 - EQUIPMENT	
SUB. OBJ.	
2 - EQUIPMENT	
O1-3120-0002-2203	
TYPEWRITERS	
O1-3120-0002-2210	
COMPUTER EQUIPMENT	
O1-3120-0002-2303	
POLICE VEHICLES	
O1-3120-0002-2501	
OTHER EQUIPMENT	
SUB. OBJ. RECAP	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
O1-3120-0004-4001	16,623.00
OFFICE SUPPLIES	
O1-3120-0004-4031	2,000.00
MEALS TO PRISONERS	
O1-3120-0004-4073	1,846.00
CLOTHING ALLOWANCE	
O1-3120-0004-4085	2,950.00
LOCAL EDUCATION EXPENS.	
O1-3120-0004-4091	15,035.00
COMMUNICATIONS & FLARES	
O1-3120-0004-4093	9,975.00
PATROLMAN TRAINING	
O1-3120-0004-4095	1,440.00
K-9 EXPENSE	
O1-3120-0004-4097	2,000.00
SPECIAL INVESTIGATIONS	
O1-3120-0004-4321	
COMPUTER EXPENSE	
SUB. OBJ. RECAP	
	51,869.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
PARTMENT	3310 - TRAFFIC CONTROL
B. OBJ.	4 - CONTRACTUAL EXPENSES

TOTAL EXPENSES	5,556,194.00
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TOTAL DEPT.	5,556,194.00
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	FINAL ADOPTED BUDGET
ND	1 - GENERAL FUND
DEPARTMENT	3310 - TRAFFIC CONTROL
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
01-3310-0004-4217 UTILITY-COST	17,000.00
01-3310-0004-4471 SIGNS & STREET MARKING	30,000.00
01-3310-0004-4472 SIGN & STREET MRKG HWY	17,200.00
01-3310-0004-4476 SIGNAL REPAIRS	15,000.00
01-3310-0004-4478 CONTROL SIGNAL UPGRADE	28,000.00
SUB. OBJ. RECAP	107,200.00
TOTAL EXPENSES	107,200.00
TOTAL DEPT.	107,200.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	3510 - CONTROL OF DOGS	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-3510-0001-1413	DOG CONTROL OFFICER	51,404.00
01-3510-0001-1491	PART TIME LABORER	11,611.00
	SUB. OBJ. RECAP	63,015.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-3510-0004-4001	OFFICE SUPPLIES	
01-3510-0004-4030	DOG KENNEL SUPPLIES	1,280.00
01-3510-0004-4211	ELECTRIC FOR DOG KENNEL	2,000.00
01-3510-0004-4221	GAS FOR DOG KENNEL	6,000.00
01-3510-0004-4432	REPAIRS & MAINTENANCE	1,280.00
01-3510-0004-4532	VETERINARIAN SERVICES	3,000.00
	SUB. OBJ. RECAP	13,560.00
	TOTAL EXPENSES	76,575.00
	TOTAL DEPT.	76,575.00

FINAL ADOPTED
BUDGET

ND
APARTMENT
SUB. OBJ.

1 - GENERAL FUND
3610 - TRAFFIC SAFETY COMMISSION
1 - PERSONAL SERVICES

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	3610 - TRAFFIC SAFETY COMMISSION	
R. OBJ.	1 - PERSONAL SERVICES	
01-3610-0001-1394		1,500.00
PART-TIME SECRETARY		
SUB. OBJ. RECAP		1,500.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-3610-0004-4001		450.00
OFFICE SUPPLIES		
01-3610-0004-4086		100.00
ASSOCIATION MEMBERSHIP		
01-3610-0004-4261		425.00
POSTAGE		
SUB. OBJ. RECAP		975.00
TOTAL EXPENSES		2,475.00
TOTAL DEPT.		2,475.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	5010 - SUPERINTENDENT OF HIGHWAYS	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-5010-0001-1004		45,017.00
HWY SUPERINTENDENT		
01-5010-0001-1171		38,951.00
DEPUTY HGY SUPER.		
SUB. OBJ. RECAP		83,968.00
SUB. OBJ.	2 - EQUIPMENT	
01-5010-0002-2209		
MISCELL. OFFICE EQUIP.		
SUB. OBJ. RECAP		
TOTAL EXPENSES		83,968.00
TOTAL DEPT.		83,968.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	5132 - HIGHWAY GARAGE	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-5132-0004-4168	TANK REMOVAL	
01-5132-0004-4211	ELECTRIC	17,400.00
01-5132-0004-4221	GAS	32,230.00
01-5132-0004-4231	WATER	900.00
01-5132-0004-4431	RADIO REPAIR & MAINT	5,000.00
01-5132-0004-4432	REPAIRS & MAINTENANCE	22,000.00
01-5132-0004-4458	HIGHWAY SALT EARN	
01-5132-0004-4469	LANDFILL COSTS	1,500.00
	SUB. OBJ. RECAP	79,030.00
	TOTAL EXPENSES	79,030.00
	TOTAL DEPT.	79,030.00

FINAL ADOPTED
BUDGET

0
 DEPARTMENT 1 - GENERAL FUND
 6250 - JTPA--JOB TRAINING PROGRAM ACT
 OBJ. 1 - PERSONAL SERVICES

01-6250-0001-1951 81,394.00
 CETA ENROLLEES

01-6250-0001-1952 40,655.00
 DIRECTOR

01-6250-0001-1953 19,349.00
 CLERICAL

01-6250-0001-1954 4,260.00
 PRINCIPAL COUNSELOR

01-6250-0001-1955 3,820.00
 SENIOR COUNSELOR

01-6250-0001-1956 4,408.00
 SENIOR ADVISOR

01-6250-0001-1957 2,100.00
 ADVISOR

01-6250-0001-1958 2,832.00
 DIRECTOR

SUB. OBJ. RECAP 158,812.00

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-6250-0004-4001 14,600.00
 OFFICE SUPPLIES

01-6250-0004-4004 7,000.00
 ENROLLEE MISC. EXPENSE

SUB. OBJ. RECAP 21,600.00

SUB. OBJ. 8 - EMPLOYEE BENEFITS

01-6250-0008-9002 11,928.00
 ALLOCATED FICA

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	6250 - JTPA--JOB TRAINING PROGRAM ACT	
OBJ.	8 - EMPLOYEE BENEFITS	
01-6250-0008-9005		12,570.00
ALLOCATED FRINGES		
SUB. OBJ. RECAP		24,498.00
SUB. OBJ.	9 - INTERFUND TRANSFERS	
01-6250-0009-9003		
ALLOCATED WORKMANS COMP		
01-6250-0009-9004		
ALLOCATED UNEMPLOYMENT		
SUB. OBJ. RECAP		
TOTAL EXPENSES		204,916.00
TOTAL DEPT.		204,916.00

FINAL ADOPTED
BUDGET

DEPT.	1 - GENERAL FUND	
DEPARTMENT	6410 - PUBLICITY	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-6410-0004-4191		6,000.00
MISCELLANEOUS EXPENSES		
01-6410-0004-4194		20,000.00
MEDIA		
SUB. OBJ. RECAP		26,000.00
TOTAL EXPENSES		26,000.00
TOTAL DEPT.		26,000.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	6510 - VETERANS SERVICES	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
C1-6510-0004-4301		3,800.00
ROOM RENTAL		
SUB. OBJ. RECAP		3,800.00
TOTAL EXPENSES		3,800.00
TOTAL DEPT.		3,800.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	7110 - PARKS	
P. OBJ.	1 - PERSONAL SERVICES	
01-7110-0001-1201	GENERAL CREW CHIEF	42,167.00
01-7110-0001-1203	WORKING CREW CHIEF	80,774.00
01-7110-0001-1376	SENIOR CLERK TYPIST	23,155.00
01-7110-0001-1391	PART-TIME CLERICAL	12,480.00
01-7110-0001-1411	CLEANER	20,244.00
01-7110-0001-1422	GENERAL MECHANIC	359,139.00
01-7110-0001-1431	MAINTENANCE WORKER	80,011.00
01-7110-0001-1491	PART TIME LABORER	150,000.00
01-7110-0001-1623	POOL MECHANIC P-T	3,100.00
	SUB. OBJ. RECAP	771,070.00
SUB. OBJ.	2 - EQUIPMENT	
01-7110-0002-2507	MAINTENANCE EQUIPMENT	
	SUB. OBJ. RECAP	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7110-0004-4001	OFFICE SUPPLIES	2,250.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	7110 - PARKS	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7110-0004-4022	PARK SUPPLIES	38,000.00
01-7110-0004-4071	UNIFORM REPLACEMENTS	2,310.00
01-7110-0004-4067	CONFERENCES & SEMINARS	
01-7110-0004-4141	CHEMICALS	17,000.00
01-7110-0004-4162	GASOLINE & OIL	20,000.00
01-7110-0004-4168	TANK REMOVAL	
01-7110-0004-4191	MISCELLANEOUS EXPENSES	1,000.00
01-7110-0004-4221	ELECTRIC	190,000.00
01-7110-0004-4431	EQUIPMENT-REPAIRS & MAT	30,000.00
01-7110-0004-4451	BLDG & GRNDS MAINT & REP	126,000.00
01-7110-0004-4454	PORTABLE TOILETS	15,000.00
01-7110-0004-4458	IMPROVEMENT PROJECTS	28,000.00
01-7110-0004-4491	SPECIAL EVENTS	13,000.00
01-7110-0004-4535	FIREMEN'S PARK IMPROVEM	
SUB. OBJ. RECAP		482,560.00
TOTAL EXPENSES		1,253,630.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
DEPARTMENT	7140 - PLAYGROUNDS & RECREATION PRUG.
SUBJ. OBJ.	1 - PERSONAL SERVICES

TOTAL DEPT.

1,253,630.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	7140 - PLAYGROUNDS & RECREATION PROG.	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-7140-0001-1113		33,962.00
RECREATION DIRECTOR		
01-7140-0001-1361		23,031.00
CLERK-STENO		
01-7140-0001-1601		25,016.00
SR. REC. SUPERVISOR		
01-7140-0001-1603		21,923.00
REC. INSTRUCTOR		
01-7140-0001-1611		20,300.00
KINK PERSONNEL		
01-7140-0001-1612		31,675.00
REC. ATTENDANTS-C.C.		
01-7140-0001-1613		40,090.00
REC. PLAYGRNDS-SUPERVIS		
01-7140-0001-1614		56,250.00
REC. PLAYGRNDS. ATTENDN		
01-7140-0001-1615		16,440.00
REC INST AID TO YOUTH		
01-7140-0001-1621		11,200.00
UMPIRES REFEREES		
01-7140-0001-1622		17,233.00
REC. ATTENDANT		
SUB. OBJ. RECAP		297,350.00

SUB. OBJ.	2 - EQUIPMENT	
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01-7140-0002-2307		
VAN		
01-7140-0002-2508		
PLAYGROUND EQUIPMENT		

01-7140-0002-2519		
WATERSLIDE		

SUB. OBJ. RECAP		
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FINAL ADOPTED
BUDGET

FUND
 DEPARTMENT
 P. OBJ.

1 - GENERAL FUND
 7140 - PLAYGROUNDS & RECREATION PRG.
 4 - CONTRACTUAL EXPENSES

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-7140-0004-4024 6,000.00
 APTS & CRAFTS

01-7140-0004-4025 32,200.00
 ATHLETIC SUPPLIES

01-7140-0004-4087
 CONFERENCES & SEMINARS

01-7140-0004-4191 12,000.00
 MISCELLANEOUS EXPENSES

01-7140-0004-4491 31,650.00
 SPECIAL EVENTS

01-7140-0004-4601 44,940.00
 AID TO YOUTH PROGRAMS

-7140-0004-4611 2,400.00
 F.C. PRGM-TRANSPORTATIO

SUB. OBJ. RECAP 129,190.00

TOTAL EXPENSES 426,540.00

TOTAL DEPT. 426,540.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	7180 - BEACH AND POOL PROGRAMS	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-7180-0001-1901	BATHHOUSE ATTENDANTS	
01-7180-0001-1902	SUPERVISORS-BEACH/POOL	16,560.00
01-7180-0001-1903	LIFEGUARD	47,025.00
SUB. OBJ. RECAP		63,585.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7180-0004-4026	FIRST AID SUPPLIES	500.00
01-7180-0004-4074	CLOTHING (BATHING SUITS)	2,500.00
01-7180-0004-4191	MISCELLANEOUS EXPENSES	2,200.00
01-7180-0004-4612	TRANSPORTATION-SWIM ME	800.00
SUB. OBJ. RECAP		6,000.00
TOTAL EXPENSES		69,585.00
TOTAL DEPT.		69,585.00

		FINAL ADOPTED BUDGET
DEPT.	1 - GENERAL FUND	
DEPT.	7270 - CULTURAL GROUPS	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7270-0004-4381	HISTORICAL	4,105.00
01-7270-0004-4382	APT GUILD	2,053.00
01-7270-0004-4383	CHORUS	9,400.00
01-7270-0004-4384	SYMPHONY	9,400.00
01-7270-0004-4385	GARDEN CLUB	922.00
01-7270-0004-4386	COIN & STAMP	820.00
01-7270-0004-4389	CULTURAL SOCIETY	4,000.00
01-7270-0004-4390	MEMORANDUMS	618.00
01-7270-0004-4391	ILLUSION COLOR GUARD	1,500.00
SUB. OBJ. RECAP		33,018.00
TOTAL EXPENSES		33,018.00
TOTAL DEPT.		33,018.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	7310 - YOUTH PROGRAMS	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-7310-0001-1114	EX. DIRECT-YOUTH	36,248.00
01-7310-0001-1161	PROGRAM COORDINATOR	23,367.00
01-7310-0001-1361	CLERK-STENO	21,021.00
01-7310-0001-1802	DEV. DISABLED DAY CAMP	26,712.00
01-7310-0001-1803	ADAPTED REC. PROGRAM	43,342.00
01-7310-0001-1804	ADMINISTRATIVE INTERNS	15,150.00
01-7310-0001-1811	YOUTH CONS. CORP. SUPV.	25,387.00
01-7310-0001-1812	YOUTH CONS. CORP.-PART.	38,657.00
01-7310-0001-1813	1988 NYSCC GRANT-SUPV.	
01-7310-0001-1814	1988 NYSCC GRANT-P.T.	
	SUB. OBJ. RECAP	229,884.00

SUB. OBJ.	2 - EQUIPMENT	
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01-7310-0002-2307	VAN	
01-7310-0002-2501	OTHER EQUIPMENT	
01-7310-0002-2502	1988 NYSCC GRANT-EQUIP.	

	SUB. OBJ. RECAP	
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FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
PARTMENT	7310 - YOUTH PROGRAMS	
SUP. OBJ.	4 - CONTRACTUAL EXPENSES	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7310-0004-4001	OFFICE SUPPLIES	2,655.00
01-7310-0004-4002	1988 NYSOC GRANT-SUPPLY	
01-7310-0004-4061	PUBLICATIONS & DUES	850.00
01-7310-0004-4082	1988 NYSOC GRANT-TRAVEL	
01-7310-0004-4087	CONFERENCES & SEMINARS	
01-7310-0004-4201	TELEPHONE	4,500.00
01-7310-0004-4261	POSTAGE	1,000.00
01-7310-0004-4431	EQUIPMENT-REPAIRS & MAINT	2,750.00
01-7310-0004-4671	YOUTH SERVICE PROJECTS	7,250.00
01-7310-0004-4675	LIBRARY CONTRACT-C.F.	1,400.00
01-7310-0004-4677	CATHOLIC CHARITY-DRPOUT	74,992.00
01-7310-0004-4681	IN SERVICE TRAINING	2,500.00
01-7310-0004-4683	PUBLICATIONS, PRINTING	4,200.00
01-7310-0004-4685	YOUTH DEPT. PROJECT-YES	21,919.00
01-7310-0004-4687	CHILD AND FAMILY SERVS.	54,485.00
01-7310-0004-4689	YOUTH CONSERVATION CORP	15,000.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	7310 - YOUTH PROGRAMS	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7310-0004-4691		12,725.00
DEV DISABLED-DAY CAMP		
01-7310-0004-4693		4,250.00
DEV DISABLED-ADAPTED R		
01-7310-0004-4694		23,758.00
YOUTH EMPLOYMENT PROGRA		
SUB. OBJ. RECAP		234,234.00
TOTAL EXPENSES		464,118.00
TOTAL DEPT.		464,118.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	7410 - LIBRARY EXPENSES	
SUB. OBJ.	1 - PERSONAL SERVICES	
01-7410-0001-1394		400.00
PART-TIME SECRETARY		
SUB. OBJ. RECAP		400.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7410-0004-4061		700.00
PUBLICATIONS & DUES		
01-7410-0004-4191		800.00
MISCELLANEOUS EXPENSES		
01-7410-0004-4420		16,000.00
STORE FRONT LIBRARY		
01-7410-0004-4425		
FEASIBILITY STUDY		
01-7410-0004-4439		2,625.00
HEAT & AIR COND CONTRA		
01-7410-0004-4451		23,500.00
BLDG & GRNDS-MAINT. REP		
SUB. OBJ. RECAP		43,625.00
TOTAL EXPENSES		44,025.00
TOTAL DEPT.		44,025.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	7510 - HISTORIAN	
SUB. OBJ.	2 - EQUIPMENT	
01-7510-0002-2201		1,000.00
OFFICE EQUIPMENT		
SUB. OBJ. RECAP		1,000.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7510-0004-4043		1,000.00
MAPS, RECORD SUPPLIES,		
01-7510-0004-4051		500.00
MICROFILMING		
01-7510-0004-4052		2,500.00
PRINTING HIST. MATERIAL		
01-7510-0004-4375		1,500.00
HISTORICAL OBSERVANCE		
SUB. OBJ. RECAP		5,500.00
TOTAL EXPENSES		6,500.00
TOTAL DEPT.		6,500.00

	FINAL ADOPTED BUDGET
ND	
DEPARTMENT	1 - GENERAL FUND
SUB. OBJ.	7550 - CELEBRATIONS
	4 - CONTRACTUAL EXPENSES
01-7550-0004-4371	3,000.00
PATRIOTIC OBSERVANCE	
01-7550-0004-4372	15,000.00
JULY 4 CELEBRATION	
01-7550-0004-4373	3,500.00
FLAG DAY CELEBRATION	
01-7550-0004-4374	22,000.00
POLISH FESTIVAL	
01-7550-0004-4376	3,000.00
PATRIOTIC COMMISSION	
01-7550-0004-4377	2,000.00
WAR OF 1812	
01-7550-0004-4378	45,000.00
SESQUICENTENIAL	
SUB. OBJ. RECAP	93,500.00
TOTAL EXPENSES	93,500.00
TOTAL DEPT.	93,500.00

	FINAL ADOPTED BUDGET
FUND	1 - GENERAL FUND
DEPARTMENT	7620 - SENIOR CITIZENS
SUB. OBJ.	1 - PERSONAL SERVICES
01-7620-0001-1121	30,304.00
SR. CITIZEN DIRECTOR	
01-7620-0001-1373	37,584.00
REC. ATTEND-SR. CITIZENS	
01-7620-0001-1604	21,216.00
OUTREACH WORKER	
01-7620-0001-1631	10,540.00
SUPERVISORS	
01-7620-0001-1639	62,455.00
SPECIAL EVENTS SUPER.	
SUB. OBJ. RECAP	162,099.00
SUB. OBJ.	2 - EQUIPMENT
01-7620-0002-2307	
MAN	
01-7620-0002-2511	
BLDG./PLANT EQUIPMENT	
SUB. OBJ. RECAP	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
01-7620-0004-4027	9,000.00
SPORTS & REC. SUPPLIES	
01-7620-0004-4191	350.00
MISCELLANEOUS EXPENSES	
01-7620-0004-4193	7,000.00
NUTRITION SITES	
01-7620-0004-4491	30,000.00
SPECIAL EVENTS	

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	7620 - SENIOR CITIZENS	
R. OBJ.	4 - CONTRACTUAL EXPENSES	
01-7620-0004-4621	SPECIAL EVENTS EXPENSE	
01-7620-0004-4624	SENIOR CENTER PRGM.	9,000.00
01-7620-0004-4627	ACTIVITY GROUPS 1-25	46,150.00
01-7620-0004-4629	MEALS ON WHEELS	10,000.00
01-7620-0004-4681	IN SERVICE TRAINING	400.00
01-7620-0004-4682	FOOD DISTRIBUTION PRGR	3,325.00
SUB. OBJ. RECAP		115,225.00
TOTAL EXPENSES		277,324.00
TOTAL DEPT.		277,324.00

FINAL ADOPTED
BUDGET

FUND 1 - GENERAL FUND
DEPARTMENT 8210 - DEPT NO. NOT ON FILE
SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-8210-0004-4579
PRELIMINARY PLANS-SLDAN

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND
DEPARTMENT	8540 - EROSION CONTROL AND DRAINAGE
SUB. OBJ.	2 - EQUIPMENT

01-8540-0002-4570
COUNTY PROP FORECLOSURE

SUB. OBJ. RECAP

SUB. OBJ. 4 - CONTRACTUAL EXPENSES

01-8540-0004-4009
CONTRACTUAL EXPENSES

01-8540-0004-4561
CONTRACTED SERVICES

01-8540-0004-4579
DRAIN STUDY-LEMOINE,ETC

01-8540-0004-4582
U CREST

01-8540-0004-4583
ZERO DRIVE

01-8540-0004-4584
EKLLICOTT CREEK

01-8540-0004-4585
SCAJAQUADA CREEK EROSION

01-8540-0004-4586
SLATE BOTTOM II

01-8540-0004-4587
WEED CONTROL

SUB. OBJ. RECAP

TOTAL EXPENSES

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND
DEPARTMENT	8560 - SHADE TREES
B. OBJ.	4 - CONTRACTUAL EXPENSES

TOTAL DEPT.

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
DEPARTMENT	8560 - SHADE TREES	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
01-8560-0004-4291		30,000.00
SHADE TREES		
SUB. OBJ. RECAP		30,000.00
TOTAL EXPENSES		30,000.00
TOTAL DEPT.		30,000.00

	FINAL ADOPTED BUDGET
ND	
DEPARTMENT	1 - GENERAL FUND
B. OBJ.	9010 - EMPLOYEE BENEFITS
	8 - EMPLOYEE BENEFITS
01-9010-0008-8101	410,000.00
EMPLOYEES RETIREMENT	
01-9010-0008-8111	765,000.00
POLICE RETIREMENT	
01-9010-0008-8121	745,584.00
SOCIAL SECURITY	
01-9010-0008-8131	292,205.00
EMPLOY WORKMAN COMP	
01-9010-0008-8141	725,952.00
MEDICAL INSURANCE	
01-9010-0008-8143	168,248.00
RETIREE'S MEDICAL INSUR	
01-9010-0008-8151	46,234.00
GROUP LIFE INSURANCE	
01-9010-0008-8161	125,155.00
EMPLOY UNEMPLOYMENT	
01-9010-0008-8171	84,017.00
DENTAL INSURANCE	
01-9010-0008-8181	25,865.00
OPTICAL INSURANCE	
01-9010-0008-8191	125,000.00
1988 NYS CC GRANT ALLOC.	
01-9010-0008-9002	71,590.00-
ALLOCATED FICA	
01-9010-0008-9005	179,441.00-
ALLOCATED FRINGES	
SUB. OBJ. RECAP	3,262,229.00
TOTAL EXPENSES	3,262,229.00

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	9501 - TRANSFER TO DEBT SERVICE	
EXP. OBJ.	9 - INTERFUND TRANSFERS	
TOTAL DEPT.		3,262,229.00

FINAL ADOPTED
BUDGET

1 - GENERAL FUND
9501 - TRANSFER TO DEBT SERVICE
9 - INTERFUND TRANSFERS

01-9501-0009-9131 BOND PRINCIPAL	656,500.00
01-9501-0009-9211 BOND INTEREST	430,000.00
01-9501-0009-9311 DEBT SERVICE APPLIED	189,359.00-
SUB. OBJ. RECAP	897,141.00
TOTAL EXPENSES	897,141.00
TOTAL DEPT.	897,141.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
DEPARTMENT	9902 - TRANSFER TO INSURANCE FUND
SUB. OBJ.	9 - INTERFUND TRANSFERS

01-9902-0009-4101
UNALLOCATED INSURANCE

01-9902-0009-4521
INSURANCE CONSULTATION

01-9902-0009-8131
WORKMEN'S COMPENSATION

01-9902-0009-8161
UNEMPLOYMENT INSURANCE

01-9902-0009-9003
ALLOCATED WORKMANS COMP

01-9902-0009-9004
ALLOCATED UNEMPLOYMENT

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	9950 - TRANSFER TO CAPITAL	
OBJ.	8 - EMPLOYEE BENEFITS	
01-9950-0008-8729		
TRAN TO CAPITAL 8729		
01-9950-0008-8801		
TRANS TO CAPITAL 8801		
01-9950-0008-8802		14,500.00
TRANSFER TO CAPITAL		
SUB. OBJ. RECAP		14,500.00
TOTAL EXPENSES		14,500.00
TOTAL DEPT.		14,500.00

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND
DEPARTMENT	9999 - DEPT NO. NOT ON FILE
SUB. OBJ.	1 - PERSONAL SERVICES

○ 1-9999-0001-1123	105,989.00
HUD WAGES	

○ 1-9999-0001-1124	92,458.00-
HUD REIMBURSEMENT	

○ 1-9999-0001-1700	13,531.00-
PART TOWN REIMBURSEMENT	

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

TOTAL FUND - EXP	16,540,367.00
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TOTAL FUND - REV

FINAL ADOPTED
BUDGET

ND	1 - GENERAL FUND	
PARTMENT	1001 - DEPT NO. NOT ON FILE	
B. OBJ.	0 - REVENUE ACCT	
01-1001-0000-0000	REAL PROPERTY TAXES	9,623,880.00-
01-1081-0000-0000	OTHER PAYMENTS IN LIEU	225,000.00-
01-1090-0000-0000	INTERST & PENALTY-TAX	126,000.00-
01-1120-0000-0000	NON-PROPERTY TAX DISTR	1,397,036.00-
01-1170-0000-0000	FRANCHISES-CABLE TV	100,000.00-
01-1255-0000-0000	TOWN CLERK FEES	106,925.00-
01-1550-0000-0000	TOWN DOG LICENSE FEES	78,000.00-
01-2002-0000-0000	HELTER PERMITS	6,000.00-
01-2003-0000-0000	PARKS-MEETING ROOM	200.00-
01-2012-0000-0000	RECREATION CONCESSIONS	4,500.00-
01-2023-0000-0000	ICE RENTAL-RECREATION	15,000.00-
01-2024-0000-0000	CERAMIC FEES	1,600.00-
01-2025-0000-0000	REC FEES 7 I.D. REGIST.	11,000.00-
01-2027-0000-0000	SPECIAL EVENTS-REC	85,000.00-
01-2030-0000-0000	SR CITIZENS-VAN RECEIP	8,000.00-
01-2032-0000-0000	SQUARE DANCING	
01-2036-0000-0000	SR. CITIZENS-SPEC EVENT	23,800.00-

	FINAL ADOPTED BUDGET
ND DEPARTMENT SUB. OBJ.	1 - GENERAL FUND 2039 - DEPT NO. NOT ON FILE 0 - REVENUE ACCT
01-2039-0000-0000 POLISH FESTIVAL REVENUE	3,500.00-
01-2070-0000-0000 OTHER YOUTH CONTRIBUTN	30,000.00-
01-2401-0000-0000 INTEREST EARNINGS	325,000.00-
01-2530-0000-0000 GAMES OF CHANCE	500.00-
01-2540-0000-0000 BINGO LICENSES	13,500.00-
01-2544-0000-0000 DOG LICENSES	13,500.00-
01-2589-0000-0000 PUBLIC IMPROVE. PERMITS	80,000.00-
-2610-0000-0000 FINES & FORFEITED BAIL	300,000.00-
01-2655-0000-0000 MINOR SALES, OTHER	10,000.00-
01-2680-0000-0000 INSURANCE RECOVERIES	20,000.00-
01-2701-0000-0000 REFUNDS OF PRIOR YEARS	40,000.00-
01-2771-0000-0000 NYS FICA INTERST	2,000.00-
01-2772-0000-0000 SESCUICENTENIAL REVENUE	25,000.00-
1-2799-0000-0000 APPROPRIATED FUND BALAN	1,080,667.00-
1-3001-0000-0000 PER-CAPITA-UNRESTRICTED	870,615.00-
-3003-0000-0000 PER CAPITA-EXCESS	125,878.00-
1-3005-0000-0000 MORTGAGE TAX	550,000.00-

FINAL ADOPTED
BUDGET

FUND	1 - GENERAL FUND	
DEPARTMENT	3008 - DEPT NO. NOT ON FILE	
B. OBJ.	0 - REVENUE ACCT	
01-3008-0000-0000		175,000.00-
TRAFFIC SAFETY		
01-3089-0000-0000		342,471.00-
SPECIAL STATE AID		
01-3090-0000-0000		243,841.00-
NEEDS BASED AID		
01-3320-0000-0000		15,396.00-
DISASTER PREPAREDNESS		
01-3801-0000-0000		5,685.00-
PROGRAMS FOR ELDERLY		
01-3820-0000-0000		240,000.00-
YOUTH PROGRAMS		
01-4721-0000-0000		210,873.00-
JTPA--JOB TRAINING PROG		
01-4737-0000-0000		5,000.00-
CONTRIBUTION SITE FEES		
TOTAL REVENUES		16,540,367.00-
TOTAL DEPT.		16,540,367.00-
TOTAL FUND - EXP		
TOTAL FUND - REV		16,540,367.00-

FINAL ADOPTED
BUDGET

FUND	3 - HIGHWAY FUND	
DEPARTMENT	1930 - HIGHWAY-SPECIAL ITEMS	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-1930-0004-4352		41,114.00
EPIE COUNTY CHARGEBACK		
SUB. OBJ. RECAP		41,114.00
TOTAL EXPENSES		41,114.00
TOTAL DEPT.		41,114.00

		FINAL ADOPTED BUDGET
FUND	3 - HIGHWAY FUND	
DEPARTMENT	5110 - GENERAL REPAIRS	
SUB. OBJ.	1 - PERSONAL SERVICES	
03-5110-0001-1701		696,184.00
LABOR-GENERAL		
SUB. OBJ. RECAP		696,184.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-5110-0004-4162		50,000.00
GASOLINE & OIL		
3-5110-0004-4171		1,200.00
ROAD OIL		
3-5110-0004-4173		40,000.00
STONE		
3-5110-0004-4175		
READY MIX		
3-5110-0004-4177		15,000.00
RECEIVERS AND PIPE		
3-5110-0004-4178		80,000.00
BLACKTOP		
3-5110-0004-4182		
SIDEWALKS		
3-5110-0004-4185		7,500.00
BARRICADES, BLOCK, MISC		
3-5110-0004-4186		10,000.00
TOP SOIL		
3-5110-0004-4187		
CURBS		
3-5110-0004-4331		11,000.00
MACHINERY RENTAL		
SUB. OBJ. RECAP		214,700.00

FINAL ADOPTED
BUDGET

FUND	3 - HIGHWAY FUND
DEPARTMENT	5130 - HIGHWAY MACHINERY
E. OBJ.	1 - PERSONNAL SERVICES

TOTAL EXPENSES	910,884.00
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TOTAL DEPT.	910,884.00
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FINAL ADOPTED
BUDGET

ND	3 - HIGHWAY FUND	
PARTMENT	5130 - HIGHWAY MACHINERY	
SUB. OBJ.	1 - PERSONNAL SERVICES	
03-5130-0001-1701		335,044.00
LABOR-GENERAL		
SUB. OBJ. RECAP		335,044.00
SUB. OBJ.	2 - EQUIPMENT	
03-5130-0002-2407		10,000.00
MISC. HIGHWAY EQUIPMENT		
SUB. OBJ. RECAP		10,000.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-5130-0004-4082		
GOV'T BUSINESS TRAVEL		
03-5130-0004-4087		4,000.00
CONFERENCE AND SEMINAR		
03-5130-0004-4462		170,000.00
PARTS & SUPPLIES		
SUB. OBJ. RECAP		174,000.00
TOTAL EXPENSES		519,044.00
TOTAL DEPT.		519,044.00

FINAL ADOPTED
BUDGET

ND
PARTMENT
SUB. OBJ.

3 - HIGHWAY FUND
5140 - HGKY.-MISCELL. BRUSH AND WEEDS
1 - PERSONNAL SERVICES

FINAL ADOPTED
BUDGET

ND	3 - HIGHWAY FUND	
PARTMENT	5140 - HGWY.-MISCELL. BRUSH AND WEEDS	
SUB. OBJ.	1 - PERSONAL SERVICES	
03-5140-0001-1379		103,713.00
CLERICAL		
03-5140-0001-1701		312,504.00
LABOR-GENERAL		
03-5140-0001-4802		8,030.00
PERSONNEL ALLOCATED		
SUB. OBJ. RECAP		424,247.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-5140-0004-4001		7,000.00
OFFICE SUPPLIES		
03-5140-0004-4071		11,000.00
UNIFORM REPLACEMENT		
03-5140-0004-4087		2,500.00
SAFETY & TRAINING		
03-5140-0004-4188		5,500.00
RENTAL OF COPIER		
03-5140-0004-4190		1,000.00
RENT BARCDS,FENCE,ETC		
03-5140-0004-4191		15,000.00
MISCELLANEOUS EXPENSES		
03-5140-0004-4802		2,856.00
PERSONNEL ALLOCATED		
SUB. OBJ. RECAP		44,856.00
TOTAL EXPENSES		469,103.00

FINAL ADOPTED
BUDGET

FUND	3 - HIGHWAY FUND
DEPARTMENT	5141 - HIGHWAY-PERSONAL SERVICES
SUB. OBJ.	1 - PERSONNAL SERVICES

TOTAL DEPT.	469,103.00
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FINAL ADOPTED
BUDGET

FD	3 - HIGHWAY FUND	
DEPARTMENT	5141 - HIGHWAY-PERSONAL SERVICES	
OBJ.	1 - PERSONAL SERVICES	
03-5141-0001-1201	GENERAL CREW CHIEF	37,851.00
03-5141-0001-1202	AUTO MECH. CREW CHIEF	33,825.00
03-5141-0001-1203	WORKING CREW CHIEF (5)	174,190.00
03-5141-0001-1343	SR.ACCT-CLERK TYPIST	24,345.00
03-5141-0001-1371	CLEPK	20,385.00
03-5141-0001-1374	CLERK-TYPIST	20,866.00
03-5141-0001-1391	PART-TIME CLERICAL	11,200.00
03-5141-0001-1404	. ENGINEERING ASS'T	32,902.00
03-5141-0001-1412	LABORER	600,652.00
03-5141-0001-1414	MEO "B"	525,195.00
03-5141-0001-1421	AUTO MECHANIC HELPER	73,717.00
03-5141-0001-1422	GENERAL MECHANIC	25,395.00
03-5141-0001-1442	AUTO MECHANIC	135,600.00
03-5141-0001-1444	MEO "A"	238,965.00
03-5141-0001-1445	WELDER	26,705.00
03-5141-0001-1453	REFK MAINTENANCE WORKE	27,352.00
03-5141-0001-1491	PART-TIME LABORER	167,500.00

FINAL ADOPTED
BUDGET

ND	3 - HIGHWAY FUND	
DEPARTMENT	5141 - HIGHWAY-PERSONAL SERVICES	
SUB. OBJ.	1 - PERSONAL SERVICES	
03-5141-0001-1931		696,184.00-
LESS:LABOR ALLOCATION		
03-5141-0001-1933		335,044.00-
LESS:LABOR ALLOCATION		
03-5141-0001-1934		416,217.00-
LESS:LABOR BRUSH & WEED		
03-5141-0001-1935		545,662.00-
LESS:LABOR SNOW		
03-5141-0001-1936		30,000.00-
LESS:LABOR OTHER GOV'T		
03-5141-0001-1937		153,538.00-
LESS:LABOR IMPROVEMENTS		

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

	FINAL ADOPTED BUDGET
FUND	3 - HIGHWAY FUND
DEPARTMENT	5142 - HIGHWAY-SNOW REMOVAL
SUB. OBJ.	1 - PERSONNAL SERVICES
03-5142-0001-1701	545,662.00
LABOR-GENERAL	
SUB. OBJ. RECAP	545,662.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
03-5142-0004-4029	100,000.00
SALT	
03-5142-0004-4432	
OUTSIDE CONTRACTORS	
03-5142-0004-4433	35,000.00
STAKES, BLADES, STEEL	
SUB. OBJ. RECAP	135,000.00
TOTAL EXPENSES	680,662.00
TOTAL DEPT.	680,662.00

FINAL ADOPTED
BUDGET

FUND	3 - HIGHWAY FUND	
DEPARTMENT	5148 - HWY.-SERVICES FOR OTHER GOVTS	
OBJ.	1 - PERSONNAL SERVICES	
03-5148-0001-1701		30,000.00
LABOR-GENERAL		
SUB. OBJ. RECAP		30,000.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-5148-0004-4029		4,000.00
SUPPLIES		
SUB. OBJ. RECAP		4,000.00
TOTAL EXPENSES		34,000.00
TOTAL DEPT.		34,000.00

FINAL ADOPTED
BUDGET

DEPARTMENT	3 - HIGHWAY FUND	
5150	- HIGHWAY IMPROVEMENT FUND	
SUB. OBJ.	1 - PERSONNEL SERVICES	
03-5150-0001-1701		153,538.00
LABOR-GENERAL		
SUB. OBJ. RECAP		153,538.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-5150-0004-4162		20,000.00
GASOLINE & OIL		
03-5150-0004-4171		
ROAD OIL		
03-5150-0004-4173		10,000.00
STONE		
03-5150-0004-4177		10,000.00
RECEIVERS AND PIPE		
03-5150-0004-4178		205,000.00
LACKTOP		
03-5150-0004-4455		106,592.00
CHIPS IMPROVEMENT PROJ		
SUB. OBJ. RECAP		351,592.00
TOTAL EXPENSES		505,130.00
TOTAL DEPT.		505,130.00

		FINAL ADOPTED BUDGET
FUND	3 - HIGHWAY FUND	
DEPARTMENT	8210 - HIGHWAY-STORM SEWERS	
OBJ.	4 - CONTRACTUAL EXPENSES	
03-8210-0004-4568		25,000.00
	STORM SEWER CLEANING	
	SUB. OBJ. RECAP	25,000.00
	TOTAL EXPENSES	25,000.00
	TOTAL DEPT.	25,000.00

FINAL ADOPTED
BUDGET

ND	3 - HIGHWAY FUND	
DEPARTMENT	8540 - HGWY-EROSION CONTROL & DRAIN	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
03-8540-0004-4572		5,000.00
CREEK MAINTENANCE		
SUB. OBJ. RECAP		5,000.00
TOTAL EXPENSES		5,000.00
TOTAL DEPT.		5,000.00

	FINAL ADOPTED BUDGET
ND	3 - HIGHWAY FUND
DEPARTMENT	9010 - HIGHWAY-EMPLOYEE BENEFITS
SUB. OBJ.	8 - EMPLOYEE BENEFITS
03-9010-0008-8101	237,500.00
EMPLOYEES RETIREMENT	
03-9010-0008-8121	163,472.00
SOCIAL SECURITY	
03-9010-0008-8131	65,299.00
EMPLOY WORKMANS COMP	
03-9010-0008-8141	186,990.00
MEDICAL INSURANCE	
03-9010-0008-8143	75,583.00
RETIREE'S MEDICAL INS.	
03-9010-0008-8151	14,797.00
GROUP LIFE INSURANCE	
03-9010-0008-8161	38,562.00
EMPLOY UNEMPLOYMENT INS	
03-9010-0008-8171	21,344.00
DENTAL INSURANCE	
03-9010-0008-8181	6,912.00
OPTICAL INSURANCE	
03-9010-0008-9002	225.00
FICA ALLOCATED	
03-9010-0008-9005	496.00
ALLOCATED FRINGES	
SUB. OBJ. RECAP	811,180.00
TOTAL EXPENSES	811,180.00
TOTAL DEPT.	811,180.00

FINAL ADOPTED
BUDGET

FUND
DEPARTMENT
SUB. OBJ.

3 - HIGHWAY FUND
9501 - HWY. TRANSFER TO DEPT SERVICE
9 - INTERFUND TRANSFERS

FINAL ADOPTED
BUDGET

FUND	3 - HIGHWAY FUND	
DEPARTMENT	9501 - HWY. TRANSFER TO DEBT SERVICE	
SUB. OBJ.	9 - INTERFUND TRANSFERS	
03-9501-0009-9131		608,250.00
BOND PRINCIPAL		
03-9501-0009-9211		322,609.00
BOND INTEREST		
03-9501-0009-9311		437,500.00-
DEBT SERVICE APPLIED		
SUB. OBJ. RECAP		493,359.00
TOTAL EXPENSES		493,359.00
TOTAL DEPT.		493,359.00

FINAL ADOPTED
BUDGET

ND 3 - HIGHWAY FUND
DEPARTMENT 9902 - HWY.-TRANS. TO INSUR. RESERVE
SUB. OBJ. 9 - INTERFUND TRANSFERS

03-9902-0009-8131
WORKMEN'S COMPENSATION

03-9902-0009-8161
UNEMPLOYMENT COMPENSATI

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

TOTAL FUND - EXP 4,494,476.00

TOTAL FUND - REV

FINAL ADOPTED
BUDGET

ND	3 - HIGHWAY FUND	
DEPARTMENT	1120 - DEPT NO. NOT ON FILE	
SUB. OBJ.	0 - REVENUE ACCT	
03-1120-0000-0000	SALES TAX HIGHWAY-REV.	3,220,501.00-
03-2300-0000-0000	SERVICES FROM OTHER GO	63,000.00-
03-2401-0000-0000	INTEREST EARNINGS-HGHWY	20,000.00-
03-2655-0000-0000	MINOR SALES & OTHER	
03-2701-0000-0000	REFUND PRIOR YEAR EXP.	
03-2770-0000-0000	TREE PLANTING	30,000.00-
03-2771-0000-0000	PRIVATE FLOWERS	15,000.00-
03-2799-0000-0000	APPROPRIATED FUND BALAN	221,607.00-
03-2801-0000-0000	INTERFUND REV CAPITAL	100,000.00-
03-3002-0000-0000	PER CAPITA-RESTRICTED	654,368.00-
03-3501-0000-0000	NYS AID-IMPROVEMENT PR	150,000.00-
03-5140-0000-0000	HIGHWAY/STREETS CUTS	20,000.00-
TOTAL REVENUES		4,494,476.00-
TOTAL DEPT.		4,494,476.00-
TOTAL FUND - EXP		

FINAL ADOPTED
BUDGET

FUND
DEPARTMENT
SUB. OBJ.

4 - FEDERAL REVENUE SHARING FUND
960 - DEPT NO. NOT ON FILE
0 - REVENUE ACCT

TOTAL FUND - REV

4,494,476.00-

FINAL ADOPTED
BUDGET

FUND	8 - PART TOWN FUND	
DEPARTMENT	3620 - SAFETY INSPECTOR	
B. OBJ.	1 - PERSONAL SERVICES	
08-3620-0001-1061	PLUMBING BOARD MEMBERS	750.00
08-3620-0001-1100	SUPER BLDG PLUMB INSP	42,089.00
08-3620-0001-1122	BLDG INSPECTOR	
08-3620-0001-1165	FIRE INSPECTOR	54,019.00
08-3620-0001-1376	SENIOR CLERK TYPIST	23,623.00
08-3620-0001-1391	PART-TIME CLERICAL	5,000.00
08-3620-0001-1400	BUILDING INSPECTOR	63,987.00
08-3620-0001-1402	ASST BLDG INSPECTOR	27,405.00
08-3620-0001-1500	ZONING ENFORCEMENT	8,000.00
08-3620-0001-1600	ASST. BLDG. INSPECTOR	8,000.00
08-3620-0001-1700	HOUSING INSPECTOR	15,000.00
08-3620-0001-4802	PERSONNEL ALLOCATED	1,051.00
	SUB. OBJ. RECAP	248,924.00
SUR. OBJ.	2 - EQUIPMENT	
08-3620-0002-2201	OFFICE EQUIPMENT	6,900.00
	SUB. OBJ. RECAP	6,900.00

FINAL ADOPTED
BUDGET

ND	8 - PART TOWN FUND	
DEPARTMENT	3620 - SAFETY INSPECTOR	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
08-3620-0004-4001	OFFICE SUPPLIES	2,500.00
08-3620-0004-4088	TRAVEL & CONFERENCES	800.00
08-3620-0004-4191	MISCELLANEOUS EXPENSES	2,800.00
08-3620-0004-4321	COMPUTER EXPENSE	3,000.00
08-3620-0004-4411	REFUNDS OF PERMITS & F	4,000.00
08-3620-0004-4802	PERSONNEL ALLOCATED	375.00
SUB. OBJ. RECAP		13,475.00
TOTAL EXPENSES		269,299.00
TOTAL DEPT.		269,299.00

	FINAL ADOPTED BUDGET
FUND	8 - PART TOWN FUND
DEPARTMENT	4010 - BOARD OF HEALTH
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
08-4010-0004-4028	4,500.00
SUPPLIES-INCL.VOLIT.UII	
08-4010-0004-4481	1,000.00
AIR POLLUTION	
08-4010-0004-4508	2,500.00
OUTSIDE MEDICAL SERVICE	
SUB. OBJ. RECAP	8,000.00
TOTAL EXPENSES	8,000.00
TOTAL DEPT.	8,000.00

		FINAL ADOPTED BUDGET
FUND	8 - PART TOWN FUND	
DEPARTMENT	8010 - ZONING BOARD	
B. OBJ.	1 - PERSONAL SERVICES	
08-8010-0001-1052	ZONING BOARD	17,325.00
SUB. OBJ. RECAP		17,325.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
08-8010-0004-4191	MISCELLANEDUS EXPENSES	400.00
08-8010-0004-4511	TRANSCRIPT SERVICES	13,000.00
SUB. OBJ. RECAP		13,400.00
TOTAL EXPENSES		30,725.00
TOTAL DEPT.		30,725.00

	FINAL ADOPTED BUDGET
ND	
DEPARTMENT	8 - PART TOWN FUND
	8020 - PLANNING BOARD
SUB. OBJ.	1 - PERSONAL SERVICES
08-8020-0001-1051	21,000.00
PLANNING BOARD	
08-8020-0001-1394	600.00
PART-TIME SECRETARY	
SUB. OBJ. RECAP	21,600.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
08-8020-0004-4001	100.00
OFFICE SUPPLIES	
08-8020-0004-4192	100.00
OTHER EXPENSES	
SUB. OBJ. RECAP	200.00
TOTAL EXPENSES	21,800.00
TOTAL DEPT.	21,800.00

FINAL ADOPTED
BUDGET

ND	8 - PART TOWN FUND	
DEPARTMENT	9010 - EMPLOYEE BENEFITS	
SUB. OBJ.	8 - EMPLOYEE BENEFITS	
08-9010-0008-8101	EMPLOYEES RETIREMENT	22,536.00
08-9010-0008-8121	SOCIAL SECURITY	21,540.00
08-9010-0008-8131	EMPLOYEE WORKMAN COMP	8,549.00
08-9010-0008-8141	MEDICAL INSURANCE	22,318.00
08-9010-0006-8151	GROUP LIFE INSURANCE	1,363.00
08-9010-0008-8161	EMPLOYEE UNEMPLOYMENT	4,263.00
08-9010-0008-8171	DENTAL INSURANCE	2,422.00
08-9010-0008-8181	OPTICAL INSURANCE	665.00
08-9010-0008-9002	ALLOCATED FICA	1,045.00
08-9010-0008-9005	ALLOCATED FRINGES	2,952.00
	SUB. OBJ. RECAP	87,653.00
	TOTAL EXPENSES	87,653.00
	TOTAL DEPT.	87,653.00

FINAL ADOPTED
BUDGET

FUND	8 - PART TOWN FUND
DEPARTMENT	9902 - TRANSFER TO INSURANCE RESERVE
SUB. OBJ.	9 - INTERFUND TRANSFERS

08-9902-0009-8131
WORKMEN'S COMPENSATION

08-9902-0009-8161
UNEMPLOYMENT INSURANCE

08-9902-0009-9003
ALLOCATED WORKMANS COMP

08-9902-0009-9004
ALLOCATED UNEMPLOYMENT

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

TOTAL FUND - EXP 417,477.00

TOTAL FUND - REV

		FINAL ADOPTED BUDGET
FUND	8 - PART TOWN FUND	
DEPARTMENT	2401 - DEPT NO. NOT ON FILE	
R. OBJ.	0 - REVENUE ACCT	
08-2401-0000-0000		1,500.00-
08-2655-0000-0000		
MINOR SALES, MISCELL.		
08-2770-0000-0000		155,000.00-
PERMITS & INSPECTION		
08-2799-0000-0000		129,982.00-
APPROPRIATED FUND BAL.		
08-3002-0000-0000		45,995.00-
PER CAPITA-RESTRICTED		
08-3010-0000-0000		85,000.00-
FIRE CODE SAFETY		
TOTAL REVENUES		417,477.00-
TOTAL DEPT.		417,477.00-
TOTAL FUND - EXP		
TOTAL FUND - REV		417,477.00-

FINAL ADOPTED
BUDGET

FUND	10 - RISK RETENTION FUND	
DEPARTMENT	1710 - ADMINISTRATION	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
10-1710-0004-4521	INSURANCE CONSULTANT	20,000.00
10-1710-0004-4523	CLAIMS ADMINIST.-W.C.	20,000.00
10-1710-0004-4525	CLAIMS ADM.-WC ASSESSM.	15,000.00
10-1710-0004-4527	CLAIMS ADMIN-LIABILITY	17,000.00
10-1710-0004-4528	LOSS CONTROL-W/C	3,000.00
10-1710-0004-4529	LOSS CONTROL-LIABILITY	3,000.00
SUB. OBJ. RECAP		76,000.00
TOTAL EXPENSES		78,000.00
TOTAL DEPT.		78,000.00

		FINAL ADOPTED BUDGET
FUND	10 - RISK RETENTION FUND	
DEPARTMENT	1722 - EXCESS	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
10-1722-0004-4519		40,000.00
w/C EXCESS INS.		
SUB. OBJ. RECAP		40,000.00
TOTAL EXPENSES		40,000.00
TOTAL DEPT.		40,000.00

		FINAL ADOPTED BUDGET
FUND	10 - RISK RETENTION FUND	
DEPARTMENT	1930 - WORKMANS COMPENSATION	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
10-1930-0004-4703		300,000.00
JUDGEMENTS & CLAIMS		
SUB. OBJ. RECAP		300,000.00
TOTAL EXPENSES		300,000.00
TOTAL DEPT.		300,000.00

		FINAL ADOPTED BUDGET
FUND	10 - RISK RETENTION FUND	
DEPARTMENT	1931 - UNEMPLOYMENT	
R. OBJ.	4 - CONTRACTUAL EXPENSES	
10-1931-0004-4703		50,000.00
JUDGEMENTS & CLAIMS		
SUB. OBJ. RECAP		50,000.00
TOTAL EXPENSES		50,000.00
TOTAL DEPT.		50,000.00

FINAL ADOPTED
BUDGET

FUND	10 - RISK RETENTION FUND	
DEPARTMENT	1932 - GENERAL LIABILITY LOSSES	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
10-1932-0004-4703		75,000.00
JUDGMENT & CLAIMS		
SUB. OBJ. RECAP		75,000.00
TOTAL EXPENSES		75,000.00
TOTAL DEPT.		75,000.00

FINAL ADOPTED
BUDGET

ND	10 - RISK RETENTION FUND	
PARTMENT	1933 - POLICE LIABILITY LOSSES	
OBJ.	4 - CONTRACTUAL EXPENSES	
10-1933-0004-4703		20,000.00
JUDGMENTS & CLAIMS		
SUB. OBJ. RECAP		20,000.00
TOTAL EXPENSES		20,000.00
TOTAL DEPT.		20,000.00

		FINAL ADOPTED BUDGET
FUND	10 - RISK RETENTION FUND	
DEPARTMENT	1934 - PUBLIC OFFICIALS & OTHERS	
OBJ.	4 - CONTRACTUAL EXPENSES	
10-1934-0004-4703		5,000.00
JUDGMENTS & CLAIMS		
SUB. OBJ. RECAP		5,000.00
TOTAL EXPENSES		5,000.00
TOTAL DEPT.		5,000.00

FINAL ADOPTED
BUDGET

FUND	10 - RISK RETENTION FUND
DEPARTMENT	9040 - WORKMEN'S COMPENSATION
SUB. OBJ.	8 - EMPLOYEE BENEFITS

10-9040-0008-8131
WORKMEN'S COMPENSATION

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

FINAL ADOPTED
BUDGET

ND 10 - RISK RETENTION FUND
PARTMENT 9050 - UNEMPLOYMENT INSURANCE
B. OBJ. 8 - EMPLOYEE BENEFITS

10-9050-0008-8161
UNEMPLOYMENT INSURANCE

SUB. OBJ. RECAP

TOTAL EXPENSES

TOTAL DEPT.

TOTAL FUND - EXP 568,000.00

TOTAL FUND - REV

		FINAL ADOPTED BUDGET
FUND	10 - RISK RETENTION FUND	
DEPARTMENT	2401 - INTEREST EARNINGS	
B. OBJ.	0 - REVENUE ACCT	
-2401-0000-0000	INTEREST EARNINGS	57,344.00-
10-2798-0000-0000	APPROPRIATED RESERVES	390,656.00-
10-5031-0000-0000	INTERFUND TRANSFERS	120,000.00-
TOTAL REVENUES		568,000.00-
TOTAL DEPT.		568,000.00-
TOTAL FUND - EXP		
TOTAL FUND - REV		568,000.00-

	FINAL ADOPTED BUDGET
FUND	15 - CONSOLIDATED GARBAGE
DEPARTMENT	8160 - CONSOLIDATED GARBAGE
OBJ.	1 - PERSONAL SERVICES
15-8160-0001-1124	34,813.00
GENERAL FORMEN/SANITATN	
15-8160-0001-1203	68,746.00
WORKING FOREMAN	
15-8160-0001-1376	22,483.00
SENIOR CLERK TYPIST	
15-8160-0001-1391	3,500.00
PART-TIME CLERICAL	
15-8160-0001-1412	590,590.00
LABORER	
15-8160-0001-1414	1,034,656.00
MED "B"	
15-8160-0001-1492	134,600.00
SEASONAL LABORERS	
15-8160-0001-4802	6,972.00
PERSONNEL ALLOCATED	
15-8160-0001-4804	234,703.00
CENT GARAGE ALLOCATED	
SUB. OBJ. RECAP	2,131,063.00
SUP. OBJ.	2 - EQUIPMENT
15-8160-0002-2111	14,700.00
PICKUP TRUCK	
15-8160-0002-2112	1,350.00
COMPUTER (PC)	
SUB. OBJ. RECAP	16,050.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES

	FINAL ADOPTED BUDGET
ND	15 - CONSOLIDATED GARBAGE
DEPARTMENT	8160 - CONSOLIDATED GARBAGE
SUB. OBJ.	4 - CONTRACTUAL EXPENSES
15-8160-0004-4001	6,000.00
OFFICE SUPPLIES	
15-8160-0004-4021	21,000.00
MAINTENANCE SUPPLIES	
15-8160-0004-4071	16,300.00
UNIFORM REPLACEMENTS	
15-8160-0004-4088	2,000.00
TRAVEL & CONFERENCES	
15-8160-0004-4089	70,000.00
RECYCLING COSTS	
15-8160-0004-4161	60,000.00
GASOLINE	
15-8160-0004-4186	12,000.00
TOLLS	
15-8160-0004-4211	25,000.00
ELECTRIC	
15-8160-0004-4221	24,000.00
GAS	
15-8160-0004-4231	1,750.00
WATER	
15-8160-0004-4352	42,000.00
ERIE COUNTY CHARGEBACK	
15-8160-0004-4431	5,500.00
EQUIPMENT-REPAIRS&MAINT.	
15-8160-0004-4453	8,000.00
BUILDING REPAIRS	
15-8160-0004-4465	224,000.00
CENT GARAGE ALLOCATED	
15-8160-0004-4469	964,500.00
LANDFILL COSTS	
15-8160-0004-4470	500.00
SOLID WASTE MNGMT. BORD	
15-8160-0004-4802	2,480.00
PERSONNEL ALLOCATED	

FINAL ADOPTED
BUDGET

ND	15 - CONSOLIDATED GARBAGE	
PARTMENT	8160 - CONSOLIDATED GARBAGE	
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
15-8160-0004-4804		
CENT GARAGE ALLOCATED		
SUB. OBJ. RECAP		1,485,030.00
SUB. OBJ.	8 - EMPLOYEE BENEFITS	
15-8160-0008-8101	EMPLOYEES RETIREMENT	222,000.00
15-8160-0008-8121	SOCIAL SECURITY	141,874.00
15-8160-0008-8131	EMPLY WORKMANS COMP	56,682.00
15-8160-0008-8141	MEDICAL INSURANCE	180,093.00
15-8160-0008-8143	RETIREE'S MEDICAL INS.	34,729.00
15-8160-0008-8151	GROUP LIFE INSURANCE	13,045.00
15-8160-0008-8161	EMPLY UNEMPLOYMENT INS	32,901.00
15-8160-0008-8171	DENTAL INSURANCE	20,971.00
15-8160-0008-8181	OPTICAL INSURANCE	6,666.00
15-8160-0008-9002	ALLOCATED FICA	15,620.00
15-8160-0008-9005	ALLOCATED FRINGES	35,021.00
SUB. OBJ. RECAP		759,602.00

FINAL ADOPTED
BUDGET

FUND	15 - CONSOLIDATED GARBAGE	
DEPARTMENT	8160 - CONSOLIDATED GARBAGE	
OBJ.	9 - INTERFUND TRANSFERS	
SUB. OBJ.	9 - INTERFUND TRANSFERS	
15-8160-0009-9131		95,000.00
BOND PRINCIPAL		
15-8160-0009-9211		73,461.00
BOND INTEREST		
15-8160-0009-9311		64,500.00-
DEBT SERVICE APPLIED		
SUB. OBJ. RECAP		103,961.00
TOTAL EXPENSES		4,495,706.00
TOTAL DEPT.		4,495,706.00

		FINAL ADOPTED BUDGET
FUND	15 - CONSOLIDATED GARBAGE	
DEPARTMENT	9902 - TRANSFER TO INSURANCE RESERVE	
SUB. OBJ.	9 - INTERFUND TRANSFERS	
15-9902-0009-4101	LIABILITY AND CASULTY	50,000.00
15-9902-0009-8131	WORKER'S COMPENSATION	
15-9902-0009-8161	UNEMPLOYMENT INSURANCE	
15-9902-0009-9904	ALLOCATED UNEMPLOYMENT	
SUB. OBJ. RECAP		50,000.00
TOTAL EXPENSES		50,000.00
TOTAL DEPT.		50,000.00
TOTAL FUND - EXP		4,545,706.00
TOTAL FUND - REV		

FINAL ADOPTED
BUDGET

FUND	90 - LIGHT DISTRICT	
DEPARTMENT	5182 - LIGHTING DISTRICT	
OBJ.	1 - PERSONAL SERVICES	
	-5182-0001-1492	
	BLDG MAINT ALLOCATION	
	90-5182-0001-4809	53,358.00
	BLDG MAINT ALLOCATED	
	SUB. OBJ. RECAP	53,358.00
SUB. OBJ.	4 - CONTRACTUAL EXPENSES	
	90-5182-0004-4212	940,000.00
	ELECTRIC 1-NYSE & GAS	
	90-5182-0004-4213	600,000.00
	ELECTRIC 2-NIAG. MOHAWK	
	90-5182-0004-4222	80,000.00
	GAS - NATIONAL FUEL GAS	
	90-5182-0004-4354	16,321.00
	CHARGE BACKS	
	-5182-0004-4432	35,000.00
	REPAIRS & MAINTENANCE	
	90-5182-0004-4809	
	BLDG MAINT ALLOCATED	
	SUB. OBJ. RECAP	1,671,321.00
	TOTAL EXPENSES	1,724,679.00
	TOTAL DEPT.	1,724,679.00

FINAL ADOPTED
BUDGET

FUND
DEPARTMENT
OBJ.

90 - LIGHT DISTRICT
9010 - DEPT NO. NOT ON FILE
8 - EMPLOYEE BENEFITS

FINAL ADOPTED
BUDGET

FUND	90 - LIGHT DISTRICT	
DEPARTMENT	9010 - DEPT NO. NOT ON FILE	
B. OBJ.	8 - EMPLOYEE BENEFITS	
90-9010-0008-9002		4,001.00
ALLOATED PAYROLL TAXES		
90-9010-0008-9005		6,680.00
ALLOATED FRINGES		
SUB. OBJ. RECAP		10,681.00
TOTAL EXPENSES		10,681.00
TOTAL DEPT.		10,681.00

FINAL ADOPTED
BUDGET

FUND	90 - LIGHT DISTRICT
DEPARTMENT	9902 - DEPT NO. NOT ON FILE
SUB. OBJ.	9 - INTERFUND TRANSFERS

90-9902-0009-9003
ALLOCCATED WORKMANS COMP

90-9902-0009-9004
ALLOCCATED UNEMPLOYMENT

SUB. OBJ. RECAP

SUB. OBJ.	9 - INTERFUND TRANSFERS
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TOTAL EXPENSES

TOTAL DEPT.

TOTAL FUND - EXP	1,735,360.00
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TOTAL FUND - REV	
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FINAL ADOPTED
BUDGET

FUND	90 - LIGHT DISTRICT	
DEPARTMENT	1001 - DEPT NO. NOT ON FILE	
OBJ. OBJ.	0 - REVENUE ACCT	
90-1001-0000-0000		1,713,360.00-
NET TAX LEVY-LIGHTING		
90-2401-0000-0000		7,000.00-
INTEREST EARNINGS-LIGHT		
90-2681-0000-0000		15,000.00-
LIGHT STANDARD DAMAGES		
TOTAL REVENUES		1,735,360.00-
TOTAL DEPT.		1,735,360.00-
TOTAL FUND - EXP		
TOTAL FUND - REV		1,735,360.00-

Item No. 3A Cont'd.

and, ~~BE~~ IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to make application to the Erie County Legislature to have levied and spread against the taxable property liable therefor the amounts hereinbefore stated and that such sums when collected be paid to the Supervisor of the Town of Cheektowaga as provided by law.

Upon Roll Call....

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

Item No. 3B Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, Frank E. Swiatek, Supervisor of the Town of Cheektowaga, New York, having presented a Budget and Assessment Roll showing the various sums of money that were and will be required to defray the expenses of the Special Districts in the Town of Cheektowaga, New York, and

WHEREAS, this Town Board has carefully considered the said Estimates and Assessment Rolls of the amounts set forth as Special Districts respectively, and does determine same to be necessary and required aforesaid and set forth, namely:

TOWN OF CHEEKTOWAGA

1989

FINAL BENEFIT BASIS BUDGET

and

WHEREAS, a Public Hearing was duly held on the 26th day of October, 1988 at 7:00 o'clock P.M., in relation to such Preliminary Benefit Basis Budget, as provided in law, with amendments made to same, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Budget and Assessment Roll for Special Districts in the Town of Cheektowaga, New York, be and the same is hereby adopted, and ~~BE~~ IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to cause same to be spread on the Tax Roll for the year 1989.

* * * * *

Motion by Councilman Johnson Seconded by Supervisor Swiatek to amend the Benefit Basis Budget by changing five (5) figures on page 7, (see next page for copy of amended page), 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 Kulyk Seconded by Councilman Solecki

WHEREAS, Frank E. Swiatek, Supervisor of the Town of Cheektowaga, New York, having presented a Budget and Assessment Roll showing the various sums of money that were and will be required to defray the expenses of the Special Districts in the Town of Cheektowaga, New York, and

*****Special Dist*****

		1988 Budget	1989 Preliminary Budget		Net Tax Levy
Sewer District No. 5	SB129.4361	271,228	281,557	281,557	
Transfer to Debt Service Fund:					
Principal	SB129.9101	5,200	5,200		
Interest	SB129.9201	843	685	5,885	
Total Appropriations		277,271		287,442	
Revenues:					
Interest on Investments	S2401.0000	10,000	10,000		
Appropriated Fund Balance		44,000	35,193	45,193	242,249
		54,000			
		223,271			
Sewer District No. 8					
Electric	SB130.4211	2,000	8,850		
Water	SB130.4231	1,000	4,432		
Erie County Chargeback	SB130.4352		37		
Rent and Maintenance to Sewer District No. 5	SB130.4361	27,344	41,053	54,372	
Transfer to Debt Service Fund:					
Principal	SB130.9212	83,000	83,000		
Interest	SB130.9213	55,599	60,461	143,461	
Deficit Reduction	SB130.9355	18,000	17,000	17,000	
Total Appropriations		186,943		214,833	
Revenue:					
Transfer from Capital Projects Fund		0	12,000	12,000	202,833
		186,943			
Total Sanitary Sewers Levy		4,346,907			4.751,280

Store Districts

Store District No. 1

Transfer to Debt Service Fund:					
Principal	RB141.9101	21,000	21,000		

Item No. 3B Cont'd.

WHEREAS, this Town Board has carefully considered the said Estimates and Assessment Rolls of the amounts set forth as Special Districts respectively, and does determine same to be necessary and required aforesaid and set forth, namely:

TOWN OF CHEEKTOWAGA

1989

FINAL BENEFIT BASIS BUDGET

*SEE NEXT PAGES FOR COPY OF AMENDED BENEFIT BASIS BUDGET

RECEIVED

1988 SEP 30 PM 4: 22

CHEEKTOWAGA
TOWN CLERK

TOWN OF CHEEKTOWAGA, NEW YORK
PRELIMINARY BENEFIT BASIS BUDGET
1989

September 30, 1988

*****Special Dist*****

		1988 Budget	1989 Preliminary Budget	Net Tax Levy
Real Property Taxes	SB123.4706	8,500	8,500	
Contracted Sewer Repairs	SB123.4821	24,000	20,000	
Pump Stations:				
Ceil Drive:				
Maintenance and Utilities	SB123.4951	4,500	4,500	
Fair Elm:				
Maintenance and Utilities	SB123.4961	7,000	7,000	
Insurance Allocation (SD5)	SB123.4994		17,500	691,410
Employee Benefits Allocation (SD5)	SB123.8424	125,949	102,840	102,840
Transfers to Debt Service Fund:				
Principal	SB123.9101	24,000	24,000	
Interest	SB123.9201	5,940	92,220	
Debt Service Reserve Allocation	SB123.9582	(1,591)	(4,000)	110,220
General Fund Cost Allocations:				
Supervisor-Payroll, Bookkeeping and Computer	SB123.4801	19,961	21,521	
Law Department	SB123.4803	9,550	10,221	
Engineering Department	SB123.4805	53,564	57,088	
Central Garage	SB123.4807	19,688	19,558	
Payroll taxes	SB123.4902		9,439	
	SB123.4905		29,709	147,536
Fringe Benefits				
Total Appropriations		1,265,267	1,364,323	
Revenues:				
Interest on Investments	SB401.0000	80,000	100,000	
Appropriated Fund Balance		211,713	208,017	309,017
Total		291,713		
		977,554		

Sewer District No. 4

Erie County Chargeback	SB124.4352		3	
Rent and Maint to Sewer District No. 5	SB124.4361	79,899	80,414	
Pump Station				
Alpine-Maintenance and Utilities	SB124.4571	3,500	14,000	
Feasibility Study	SB124.4981		28,000	92,617
Total Appropriations		83,399		
Revenues:				
Interest on Investments	SB401.0000	3,500	3,500	
Appropriated Fund Balance		29,500	27,927	21,427
Total		33,000		

*****FISCAL YEAR*****

1988 1989
 Budget Preliminary
 Budget Budget
 Net Tot
 Less

=====

56,396

Sewer District No. 5

Pump Station

General Crew Chief	58125.1201	46,870	45,658
Working Crew Chief	58125.1203	95,037	88,468
Sewer Maintenance Man	58125.1424	347,920	355,170
CEO A	58125.1444	142,861	151,740
Seasonal Labors	58125.1492	70,000	70,000
		(178,872)	(177,759)
			531,276

Truck Chassis	58125.2304	12,000	97,000
Communications Equipment	58125.2513	1,500	1,500
Equipment Allocation (SW)	58125.2982	(3,375)	(24,625)
			73,875

Maintenance Supplies	58125.4021	20,000	20,000
Clothing Replacement	58125.4071	2,000	2,200
Training and Seminars	58125.4087	2,500	2,500
Chemicals	58125.4144	1,000	1,000
Gas, Oil, and Grease	58125.4153	16,000	16,000
Utilities	58125.4217	12,500	
Taxes to New York UFSD	58125.4350	250	12,500
RR Property Rentals	58125.4384	700	1,000
Erie County Chargeback	58125.4382	23,230	5,182
Equipment Repairs	58125.4474	10,000	10,000
Sewer Repairs	58125.4475	60,000	75,000
Equipment Repair-Cont Bar	58125.4485	10,000	20,000
Root Control	58125.4475	35,000	38,000
Legal Services	58125.4504	2,000	2,000
Accounting and Auditing	58125.4505	25,000	25,000
Contracted Sewer Repair	58125.4545	53,000	72,000
Telemetry	58125.4548	75,000	94,000
Photographic Mapping	58125.4550	22,000	24,000
Consulting Engineers	58125.4551	3,500	9,500
Buffalo Sewer Charge	58125.4702	4,500	4,000
Pump Station:			
Harlem:			
Maintenance and Utilities	58125.4954	155,000	121,500
Capital and Reconstruct	58125.4955		150,000
Delevert:			
Maintenance and Utilities	58125.4956	54,000	15,000
Capital and Reconstruct	58125.4957		89,000
Rochester:			
Maintenance and Utilities	58125.4962	15,000	18,200
Union:			
Maintenance and Utilities	58125.4964	24,000	14,000

*****Special Districts*****

		1985	1985	
		Budget	Preliminary Budget	Net Tax Levy
Maintenance and Utilities	88125.4966	9,000	9,000	721,562
Employee Benefits:				
Retirement	88125.8101	90,832	77,500	
Social Security	88125.8121	52,075	53,398	
Compensation Insurance	88125.8131	21,201	21,331	
Medical Insurance	88125.8141	46,986	60,562	
Retiree's Medical Ins	88125.8143	36,486	43,569	
Group Life Insurance	88125.8151	3,743	4,089	
Unemployment Insurance	88125.8161	15,000	10,773	
Dental Insurance	88125.8171	6,341	6,861	
Optical Insurance	88125.8181	2,616	2,179	
Fire and Liability Ins	88125.8501	70,000		
Employee Benefit Allocation (SB3)	88125.8962	(66,570)	(70,066)	210,196
Transfers to Debt Service Fund:				
Principal	88125.9101	255,000	259,000	
Interest	88125.9201	157,350	138,610	
Debt Service Reserve Allocation	88125.9582	(75,906)	(200,000)	197,610
Transfers to Risk Retention Fund:				
Fire and Liability Insurance	88125.9171		70,000	
Insurance Allocation	88125.9182		(17,500)	52,500
General Fund Cost Allocations:				
Supervisor-Payroll, Bookkeeping and Computer	88125.4801	59,883	64,362	
Law Department	88125.4803	26,652	30,663	
Engineering Department	88125.4805	150,690	171,262	
Central Garage	88125.4807	59,063	59,676	
Payroll Taxes	88125.4902		26,316	
Fringe Benefits	88125.4905		89,126	442,605
				2,231,624
Total Pump Station		2,096,763		
Treatment Plant				
Superintendent	88135.1201	43,234	44,332	
Assistant Superintendent	88135.1301	37,885	39,011	
Maintenance Man	88135.1431	26,005	26,130	
Pump Station Operator	88135.1433	260,704	246,273	
Sr. Pump Station Operator	88135.1451	74,166	53,992	
Seasonal Laborers	88135.1492	50,000	50,000	
Labor Allocation (SB3)	88135.1962	(113,004)	(108,934)	329,604
Maintenance and Supplies	88135.4021	15,000	15,000	
Sanitorial	88135.4022	3,000	3,000	
Clothing Replacement	88135.4071	900	1,600	
Training and Seminars	88135.4087	1,800	1,500	
Chemical-Door Control	88135.4142	11,000	11,000	
Gas, Oil, Grease-Mobile	88135.4164	300	300	

*****Special Dist*****

		1988 Budget	1989 Preliminary Budget	Net Tax LEVY	
Electric and utilities	SB135.4211	150,000	160,000		
Water	SB135.4231	4,000			
Buffalo Sewer Authority	SB135.4356	1,600,000	1,700,000		
Equipment Repair	SB135.4431	35,000	34,000		
Building Repairs	SB135.4453	19,500	19,500		
Elevator Service	SB135.4456	2,500	2,500		
Lab Testing	SB135.4541	15,000	15,000		
Sludge Removal	SB135.4547	45,000	39,000		
Consulting Engineers	SB135.4591	15,000	0	2,002,400	
Employee Benefits:					
Retirement	SB135.8101	59,756	39,190		
Social Security	SB135.8121	33,947	33,024		
Compensation Insurance	SB135.8131	10,561	13,192		
Medical Insurance	SB135.8141	26,849	32,489		
Group Life Insurance	SB135.8151	2,139	2,236		
Unemployment Insurance	SB135.8161	9,225	6,051		
Dental Insurance	SB135.8171	3,624	3,726		
Optical Insurance	SB135.8181	1,495	1,189		
Employee Benefit Allocation (SD3)	SB135.8992	(37,399)	(32,774)	99,323	2,430,527
Treatment Plant Appropriations		2,372,207			
Total Appropriations		4,465,970			4,662,151
Revenues:					
Contract Users	SB120.0000	135,000	150,000		
Rent and Maintenance Charges:					
Sewer District No. 2	SB120.0010	59,441	60,312		
4	SB120.0020	79,895	50,614		
6	SB120.0030	145,009	153,617		
7	SB120.0040	800,362	799,512		
7-1	SB120.0050	50,985	54,251		
7-2	SB120.0060	271,226	281,557		
8	SB121.0070	27,344	41,055		
Interest on Investments	SB2401.0000	200,000	150,000		
State Treatment Aid	SB901.0000	110,000	110,000		
Appropriated Fund Balance		619,992	644,095	2,525,012	2,525,012
		2,499,257			2,137,139
		1,969,713			
Sewer District No. 6					
Erie County Chargeback	SB135.4352		2		
Rent and Maintenance to Sewer District No. 6	SB135.4361	145,009	153,617	153,619	
		145,009		153,619	

*****Special District*****

		1988 Budget	1989 Preliminary Budget		Net Tax Levy

Revenues:					
Interest on Investments	82401.0000	10,000	10,000		
Appropriated Fund Balance		48,000	84,567	94,567	89,052
		58,000			
		87,009			
		=====			

Sewer District No. 7

Erie County Chargeback	88127.4361		15,354		
Rent and Maintenance to Sewer District No. 5	88127.4361	800,362	799,512		
Emergency Repairs	88127.4438	10,000	10,000	824,866	
Transfers to Debt Service Fund:					
Principal	88127.9101	4,000	1,000		
Interest	88127.9201	181	95	1,095	
Total Appropriations		814,543		825,961	
Revenues:					
Interest on Investments	82401.0000	55,000			
Appropriated Fund Balance		25,000	0	0	825,961
		80,000			
		734,543			
		=====			

Sewer District No. 7 Extension 1
- Carderollis

Erie County Chargebacks	88128.4380	41			
Rent and Maintenance to Sewer District No. 5	88128.4361	50,955	54,251	54,251	
Transfer to Debt Service Fund:					
Principal	88128.9101	2,230	2,230		
Interest	88128.9201	351	295	2,525	
Total Appropriations		53,617		56,776	
Revenues:					
Interest on Investments	82401.0000	2,000	3,000		
Appropriated Fund Balance		10,041	8,666	11,666	45,110
		12,041			
		=====			

*****Special Dist*****

		1988 Budget	1989 Preliminary Budget	Net Tax Levy

		41,576		

Sewer District No. 7 Extension 2				
- Depew				

Rent and Maintenance to Sewer District No. 5	88129.4361	271,228	281,557	281,557

Transfer to Debt Service Fund:				
Principal	88129.9101	5,200	5,200	
Interest	88129.9201	843	685	5,885

Total Appropriations		277,271	287,442	

Revenues:				
Interest on Investments	82401.0000	10,000	10,000	
Appropriated Fund Balance		44,000	35,193	242,349

		54,000		

		223,271		

Sewer District No. 6				

Electric	88130.4211	2,000	8,850	
Water	88130.4231	1,000	4,432	
Erie County Chargeback	88130.4352		37	
Rent and Maintenance to Sewer District No. 5	88130.4361	27,344	41,053	54,372

Transfer to Debt Service Fund:				
Principal	88130.9212	55,000	55,000	
Interest	88130.9213	55,599	60,461	143,461

Deficit Reduction	88130.9355	18,000	17,000	17,000

Total Appropriations		184,943	214,833	

Revenue:				
Transfer from Capital Projects Fund		0	12,000	202,833

		184,943		

Total Sanitary Sewers Levy		4,346,907		4,781,280

*****Special District*****

		1986 Budget	1985 Preliminary Budget		Net Tax Levy

Store Districts					
=====					
Store District No. 1					

Transfer to Debt Service Fund:					
Principal	RB141.9101	21,000	21,000		
Interest	RB141.9201	8,003	6,850	27,850	
		-----	-----		
Total Appropriations		29,003	27,850		
		-----	-----		
Revenue:					
Interest	RB141.2401	2,467	2,500	2,500	25,350
		-----	-----		
		26,536			
		=====			
Store District No. 2					

Store District No. 3					

Store District No. 4					

Store District No. 5					

Store District No. 6					

Erie County Chargeback	RB146.4352		169	169	

Transfer to Debt Service Fund:					
Principal	RB146.9101	11,000	11,000		
Interest	RB146.9201	619	210	11,210	
		-----	-----		
Total Appropriations		11,619	11,210		
		-----	-----		
Revenue:					
Interest	RB146.2401	2,467	2,500	2,500	2,879
		-----	-----		
		9,206			
		=====			
Store District No. 7					

Maintenance	RB147.4472	300	300	300	

Transfer to Debt Service Fund:					
Principal	RB147.9101	20,876	20,876		
Interest	RB147.9201	871	500	4,076	
		-----	-----		

*****Special Dist*****

		1988 Budget	1989 Preliminary Budget		Net Tax Levy

Total Appropriations		24,841		4,370	
Revenue:					
Interest	RB147.2401	5,269	4,370	4,370	0
		19,572			
=====					
Store District No. 7-Ext. 3					

Erie County Chargeback	RB148.4352	425			
Maintenance	RB148.4432	200	200	200	

Transfer to Debt Service Fund:					
Principal	RB148.9101	11,000	11,000		
Interest	RB148.9201	3,548	2,945	13,945	

Total Appropriations		15,173		14,145	
Revenue:					
Interest	RB148.2401	785	1,200	1,200	12,945

		14,388			
=====					
Total Store Sewers Levy		69,702			47,174
=====					

Hydrant Districts
=====

Hydrant No. 1

Hydrant Rental	HB351.4339	32,705	34,340		
Erie County Chargebacks	HB351.4352	9	56	34,396	

		32,714			

Revenues:					
Interest	HB351.2401	2,000	2,000		
Appropriated Fund Balance		10,750	12,432	14,432	19,964

		12,750			

		19,964			
=====					

Hydrant No. 2

*****Special District*****

		1988	1989		
		Budget	Preliminary Budget	Net Tax Levy	

Hydrant Rental	H8352.4339	9,734	10,220		
Erie County Chargeback	H8352.4352	7	73	10,293	
		-----	-----		
		9,741			

Revenues:					
Interest	H8352.2401	745			
Appropriated Fund Balance		4,640	5,937	5,937	4,356
		-----	-----		
		5,385			

		4,356			
		=====			
Hydrant No. 3					

Hydrant Rental	H8353.4339	15,314	16,079		
Erie County Chargeback	H8353.4352	3	1,024	17,103	
		-----	-----		
		15,317			

Revenue:					
Interest	H8353.2401	1,061	1,061		
Appropriated Fund Balance		6,260	8,046	9,107	7,996
		-----	-----		
		7,321			

		7,996			
		=====			
Hydrant No. 4					

Hydrant Rental	H8354.4339	45,683	47,967		
Erie County Chargeback	H8354.4352	98	598	48,565	
		-----	-----		
		45,781			

Revenues:					
Interest	H8354.2401	2,574	2,574		
Appropriated Fund Balance		17,110	18,894	18,468	30,097
		-----	-----		
		19,684			

		30,097			
		=====			
Hydrant No. 5					

Hydrant Rental	H8355.4339	17,757	14,444		
Erie County Chargeback	H8355.4352		203	14,647	
		-----	-----		
		17,757			

*****Special District*****

		1988	1989		Net Tax
		Budget	Preliminary	Budget	Levy

Revenues:					
Interest	HS355.2401	961	961		
Appropriated Fund Balance		5,700	6,592	7,553	7,096

		6,661			

		7,096			
		=====			
Hydrant No. 6					

Hydrant Rental (includes Fire Protection District No.2)	HS356.4339	40,102	42,107	42,107	

Revenues:					
Interest	HS356.2401	2,389	2,389		
Appropriated Fund Balance		12,720	14,725	17,114	24,993

		15,109			

		24,993			
		=====			
Hydrant No. 8					

Hydrant Rental	HS358.4339	11,680	12,264		
Erie County Chargebacks	HS358.4352	5	2	12,266	

		11,685			

Revenues:					
Interest	HS358.2401	1,177	1,177		
Appropriated Fund Balance		8,275	8,856	10,033	2,233

		9,452			

		2,233			
		=====			
Total Water Hydrant Districts Levy		95,735			95,735
		=====			=====

Lateral Sanitary Sewers

Cavage Creek

Principal to District No. 3		477	437		
Increase to District No. 3		210	184	401	401

*****Special Districts*****

	1988 Budget	1989 Proposed, Budget		Net Tax Levy

	647			
=====				
Meadowlawn 1982 Extension				

Principal to District No. 5	304	304		
Interest to District No. 5	474	455	759	759
	778			
=====				
Total Lateral Sanitary Sewers Levy	1,425			1,380
=====				

Water Districts

Water District No. 8

Hydrant Rental	WB258.4339		700		
Hydrant Maintenance	WB258.4340		1,400		
Erie County Chargebacks	WB258.4352	63	573		
Maintenance	WB258.4432	10,000	10,000	12,973	

Transfer to Debt Service Fund:					
Principal	WB258.9212	30,000	30,000		
Interest	WB258.9213	22,775	20,790		
Debt Service Reserve Allocation	WB258.9532	(30,000)	(30,000)	20,790	

Total Appropriations		32,835	30,765		

Revenues:					
Hydrant Rentals		0	2,100	2,100	31,665

		32,835			
=====					

Water District No. 9

Hydrant Rental	WB259.4339	0	4,100		
Hydrant Maintenance	WB259.4340	0	4,690		
Erie County Chargebacks	WB259.4352	0	10	11,000	

Total Appropriations		0			

Revenues:					
Hydrant Rentals		0	11,000	11,000	0

*****Special Dist*****

	1988 Budget	1989 Preliminary Budget		Net Tax Levy
	0			

Water District No. 10				

Hydrant Rental	WB260.4339	0	250	
Hydrant Maintenance	WB260.4340	0	1,250	1,500
Total Appropriations		0		

Revenues:				
Hydrant Rentals		0	1,500	1,500
				0
		0		

Total Water Districts Levy	32,838			31,663

Water Districts

Lesson Road Extension				
Transfer to Debt Service Fund:				
Principal	1,000	1,000		
Interest	202	171	1,171	1,171
	1,202			

Total Water District Extensions Levy	1,202			1,171

Item No. 3B Cont'd.

and

WHEREAS, a Public Hearing was duly held on the 26th day of October, 1988 at 7:00 o'clock P.M., in relation to such Preliminary Benefit Basis Budget, as provided in law, with amendments made to same, NOW, THEREFORE, BE IT

RESOLVED that the Budget and Assessment Roll for Special Districts in the Town of Cheektowaga, New York, be and the same is hereby adopted, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to cause same to be spread on the Tax Roll for the year 1989.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, Paul and Marcia Szczesek have petitioned for the rezoning from R-Residential District to C-Retail Business District of property owned by them and located at 794 French 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 7th day of November, 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 subject to the condition that the applicants prepare and record in the Erie County Clerk's Office a deed restriction acceptable to the Town Attorney stating that the property will revert back to the R-Residential District classification in the event the property is used for anything else but the proposed baseball card sales 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 aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment provided the specific use planned is limited to the sale of baseball cards, 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 Paul and Marcia Szczesek 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 subject to compliance with the conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee, and, BE IT FURTHER

RESOLVED that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

*SEE NEXT PAGE FOR COPY OF LEGAL DESCRIPTION

DESCRIPTION OF PROPERTY

794 FRENCH ROAD
CHEEKTOWAGA, NEW YORK

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of the east part of Lot No. 96, Township 10, Range 7 of the Buffalo Creek Reservation bounded and described as follows:

BEGINNING at the southeast corner of said Lot No. 96 which is the point of intersection of the east line of said Lot No. 96 and the center line of French Road; thence westerly along the center line of French Road 197.96 feet to the southeast corner of lands conveyed to Castine, Kidawski, Leising & Sharp, Inc. by deed recorded in Erie County Clerk's Office in Liber 7288 of Deeds at page 237; thence northerly parallel with the east line of said Lot No. 96 and along the east line of said lands described in the aforesaid deed 325 feet to the south line of said lands described in the aforesaid deed; thence easterly parallel with the center line of French Road and along the south line of said lands described in the aforesaid deed 197.96 feet to the east line of said Lot No. 96; thence southerly along the east line of said Lot No. 96 a distance of 325 feet to the point or place of beginning.

EXCEPTING AND RESERVING THEREFORM, those certain premises conveyed to the County of Erie by Deed recorded in Erie County Clerk's Office in Liber 7673 of Deeds at Page 363.

Item No. 4A 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..... NOV 10 1988
;
last publication..... NOV 10 1988
;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this
10th.....

day of
November....., 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, 1998

**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 7th day of November, 1988 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

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

Councilman Patricia A. Jaworwicz
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, Paul and Marcia Szczesek have petitioned for the rezoning from R-Residential District to C-Retail Business District of property owned by them and located at 794 French 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 7th day of November, 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 subject to the condition that the applicants prepare and record in the Erie County Clerk's Office a deed restriction acceptable to the Town Attorney stating that the property will revert back to the R-Residential District classification in the event

the property is used for anything else but the proposed baseball card sales 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 aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment provided the specific use planned is limited to the sale of baseball cards, 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 Paul and Marcia Szczesek 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 subject to compliance with the conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee, **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**

**DESCRIPTION OF PROPERTY
794 FRENCH ROAD
CHEEKTOWAGA, NEW YORK
ALL THAT TRACT OR PARCEL
OF LAND**, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of the east part of Lot No. 96, Township 10, Range 7 of the Buffalo Creek Reservation bounded and described as follows:

BEGINNING at the southeast corner of said Lot No. 96 which is the point of intersection of the east line of said Lot No. 96 and the center line of French Road; thence westerly along the center line of French Road 197.96 feet to the southeast corner of lands conveyed to Castine, Kidawski, Leising & Sharp, Inc. by deed recorded in Erie County Clerk's Office in Liber 7288 of Deeds at page 237; thence northerly parallel with the east line of said Lot No. 96 and along the east line of said lands described in the aforesaid deed 325 feet to the south line of said lands described in the aforesaid deed; thence easterly parallel with the center line of French Road and along the south line of said lands described in the aforesaid deed 197.96 feet to the east line of said Lot No. 96; thence southerly along the east line of said Lot No. 96 a distance of 325 feet to the point or place of beginning.

EXCEPTING AND RESERVING THEREFORM, those certain premises conveyed to the County of Erie by Deed recorded in Erie County Clerk's Office in Liber 7673 of Deeds at Page 363.

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town herein-after described, **DO HEREBY CERTIFIED** 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 November 7, 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 meeting of said Board, and such minutes appear at item 4A, 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 hereto set my hand and seal hereto affixed the corporate seal of said Town, this 7th day of November, 1988.

**RICHARD M. MOLESKI
Town Clerk
PUBLISH: November 10, 1988**

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

WHEREAS, this Town Board held a public hearing on November 7, 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:

ARTICLE VIII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Airport Dr.	East-West	Dean Road	Northbound	S.E. Corner
Airport Dr.	East-West	Dean Road	Southbound	N.W. Corner

Section 2. Time to take effect.

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

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

Section 3. Territorial Application

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

Section 4. Publication.

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

Upon Roll Call....

AYES: Supervisor 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..... NOV 10 1988 ;
last publication..... NOV 10 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

Sworn to before me this 10th

day of November , 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 7th day of November, 1988 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

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

Councilman Patricia A. Jaworwicz
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 Kazukiewicz

WHEREAS, this Town Board held a public hearing on November 7, 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 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 hereby adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Street
Airport Dr.
Direction
East-West
Entrance Street
Dean Road
Traffic Stop
Northbound
Sign Location
S.E. Corner
Street
Airport Dr.
Direction
East-West
Entrance Street
Dean Road
Traffic Stop
Southbound
Sign Location
N.W. Corner

referred to in said extract.

3. Said minutes correctly state the time and 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 7th day of November, 1988.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: November 10, 1988

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 Jaworwicz 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 CERTIFIED 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 November 7, 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 meeting of said Board, and such minutes appear at item 4B, inclusive, of said book.

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

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

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance, and

WHEREAS, this Town Board has been reviewing proposals to regulate the uncontrolled construction of two-family dwellings in the Town, and

WHEREAS, by resolution dated October 17, 1988, this Town Board called for a public hearing on a proposal to amend the Zoning Ordinance to reclassify two-family residences into the RA-Apartment District, and

WHEREAS, in accordance with the provisions of the Town Law, a public hearing on a proposal to amend the Zoning Ordinance to reclassify two-family residences into the RA-Apartment District was held on the 7th day of November, 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 were given an opportunity to be heard and were heard, and

WHEREAS, this Town Board feels it is in the public interest to amend the Zoning Ordinance, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Zoning Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21A.(1)(b) which lists two family dwellings as a principal permitted use in a R Residence District shall be repealed.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 B.(1)(b) and 82-21 (B)(2)(b) which pertain to the minimum lot width and minimum lot area for two family dwellings shall be repealed.

3. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 A.(1) which lists the principal permitted uses in a RA Apartment District shall be amended by the enactment of a new subdivision (c) for two family dwellings.

4. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 B. which pertains to lot width and lot area for principal permitted uses in a RA Apartment District shall be amended by deleting the words "two family dwelling" from subdivisions (1)(a) and (2)(a), and by adding a new subdivision (1)(c) and (2)(c), providing the following:

- (1) Lot width.
 - (c) Two family residence
 - (1) Interior lot, eighty-five (85) feet.
 - (2) Corner lot, ninety-five (95) feet.

- (2) Lot area
 - (c) Two family residence
 - (1) Interior lot, ten thousand two hundred (10,200) square feet
 - (2) Corner lot, eleven thousand four hundred (11,400) square feet

5. RESOLVED THAT ARTICLE VII - NONCONFORMING USE REGULATIONS, Section 82-45, which pertains to the continuation of nonconforming uses, shall be amended by exempting two family residences from the restrictions provided for in Sections 82-47 (enlargement or extension of nonconforming uses) and 82-49 (restoration of damaged nonconforming structures); such exemption shall read as follows:

Item No. 4C Cont'd.

and except that neither the restrictions on the enlargement or extension of nonconforming uses provided for in Section 82-47 nor the restrictions on the restoration of damages structures provided for in Section 82-49 shall apply to any two family residence made nonconforming by the reclassification of such residences as a principal permitted use in the R Residence District to the RA Apartment District.

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 November 7, 1988; and that a certified copy 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 Zoning 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 corporation seal of the Town and showing the date of its passage and entry in the minutes.

Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz to table 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

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 5A SEE NEXT SEVEN (7) PAGES FOR ORDER CALLING FOR PUBLIC HEARING ON BOND RESOLUTION FOR SANITARY SEWERS FOR NEW ERIE INDUSTRIAL PARK.

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 7th day of November, 1988.

PRESENT:

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

In the Matter
of the

Petition of the owners of more than one-half of the real property fronting upon both sides of a street, highway, easement or portion thereof for the improvement thereof by the construction of lateral sewers pursuant to Section 199 of the Town Law.

Motion by Councilman Johnson

Seconded by Supervisor Swiatek

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
NOVEMBER 21, 1988

WHEREAS, a written petition dated October 20, 1988, was heretofore duly filed with the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York pursuant to Section 199 of the Town Law of the State of New York, for construction of lateral sewers in or along that 1,270 feet long portion of the street, highway, easement or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in Sewer District No. 3 in the Town, said sewer improvement and said area to be benefited being more particularly described as follows:

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 25 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).

WHEREAS, said petition has been duly signed by the owners of real property fronting or abutting on at least one half of the entire frontage on both sides of said street, highway, easement or portion thereof, as aforesaid; and

WHEREAS, no such real estate is owned by persons residing in or along said street, highway, easement or portion thereof covered or represented by such petition; and

WHEREAS, said petition was duly signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the maximum amount proposed to be expended for the construction of said improvement as stated in the petition, is the sum of \$50,000; and

WHEREAS, the petition provided that the expense of construction of said improvement shall be borne by local assessment upon the several lots and parcels of land especially benefited thereby in proportion to the amount of benefit which the improvement conferred upon the same, all as stated in said petition and as more fully provided by applicable law;

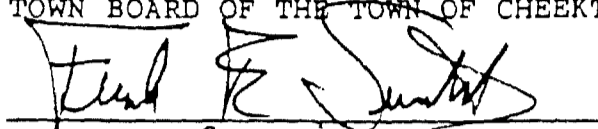
Now, therefore, be it

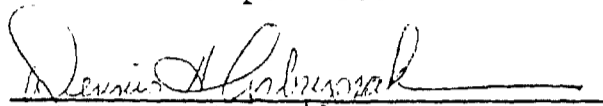
ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, in the Town, on the 21st day of November, 1988 at 7 00 o'clock P.M. (Prevailing Time) to consider said petition and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

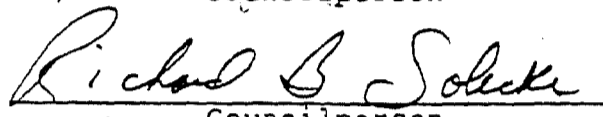
FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in the Town of Cheektowaga, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 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.

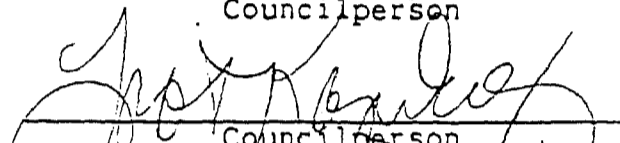
DATED: NOVEMBER 7, 1988

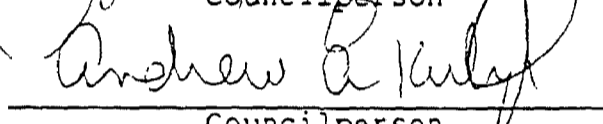
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA


Supervisor

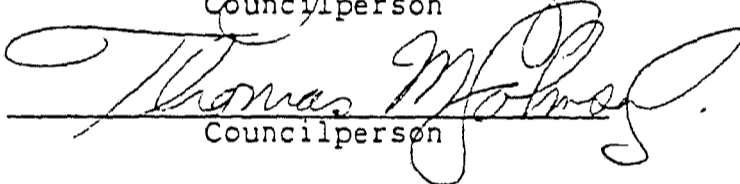

Councilperson


Councilperson


Councilperson


Councilperson


Councilperson


Councilperson

SEAL

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

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..... NOV 10 1988 ;
last publication..... NOV 10 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers

Sworn to before me this 10th

day of November, 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 90
MY COMMISSION EXPIRES FEB. 16, 1990

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 degrees 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 degrees 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 (967.06) 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

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 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 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).

WHEREAS, said petition has been duly signed by the owners of real property fronting or abutting on at least one half of the entire frontage on both sides of said street, highway, easement or portion thereof, as aforesaid; and

WHEREAS, no such real estate is owned by persons residing in or along said street, highway, easement or portion thereof covered or represented by such petition; and

WHEREAS, said petition was duly signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the maximum amount proposed to be expended for the construction of said improvement as stated in the petition, is the sum of \$50,000; and

WHEREAS, the petition provided that the expense of construction of said improvement shall be borne by local assessment upon the several lots and parcels of land especially benefited thereby in proportion to the amount of benefit which the improvement conferred upon the same, all as stated in

said petition and as more fully provided by applicable law;

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 21st day of November, 1988 at 7:00 o'clock P.M. (Prevailing Time) to consider said petition 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

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, in said Town, on the 7th day of November, 1988.

PRESENT:

Hon. Frank B. Swiatek, Supervisor
 Thomas M. Johnson, Councilper-

son
Patricia A. Jaworowicz, Councilperson

Dennis H. Gabryszak, Councilperson

Andrew A. Kulyk, Councilperson

Leo T. Kazukiewicz, Councilperson

Richard B. Solecki, Councilperson

In the Matter of the

Petition of the owners of more than

one-half of the real property fronting

upon both sides of a street, highway,

easement or portion thereof for the

improvement thereof by the construction

of lateral sewers pursuant to Section

199 of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON NOVEMBER 21, 1988

Motion by Councilman Johnson

Seconded by Supervisor Swiatek.

WHEREAS, a written petition

dated October 20, 1988, was heretofore

duly filed with the Town Board

of the Town of Cheektowaga (herein

called "Town Board" and "Town" respectively),

in the County of Erie, New York pursuant

to Section 199 of the Town Law of the State

of New York, for construction of lateral

sewers in or along that 1,270 feet long

portion of the street, highway, easement

or portion thereof which intersects the

south side of Broadway Avenue between

Harlem Road and Wallace Avenue, in

Sewer District No. 3 in the Town, said

sewer/improvement and said area to be

benefitted being more particularly described

as follows:

PARCELA

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.

PARCELE

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 twelve

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.

PARCELE

"CHEEKTOWAGA TIMES", a newspaper

published in the Town of 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

Dennis H. Gabryszak, Councilperson

Richard B. Solecki, Councilperson

Leo T. Kazukiewicz, Councilperson

Andrew A. Kulyk, Councilperson

Patricia A. Jaworowicz, Councilperson

Thomas M. Johnson, Councilperson

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 7th day of November, 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 7th day of

November 1988.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: November 10, 1988

MEETING NO. 25
November 7, 1988

Item No. 5B SEE NEXT SEVEN (7) PAGES FOR ORDER CALLING FOR PUBLIC HEARING ON BOND
RESOLUTION REGARDING STREET IMPROVEMENTS AND STORM SEWERS FOR NEW ERIE INDUSTRIAL
PARK.

RDA

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 7th day of November, 1988.

PRESENT:

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

In the Matter
of the

Petition of the owners of more than one-half of the real property fronting upon both sides of a street, highway, private road or right of way for the improvement thereof by the construction of a street improvement pursuant to Section 200 of the Town Law.

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
NOVEMBER 21, 1988

WHEREAS, a written petition dated October 20, 1988, was heretofore duly filed with the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York pursuant to Section 200 of the Town Law of the State of New York, for the improvement of that portion of the street, highway, private road, right of way or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in the Town, and on which it is proposed to construct or cause to be constructed a street improvement, consisting of new roadway approximately 1,270 feet long and 30 feet wide with flexible pavement, sidewalks, curbs, gutters, culverts and other necessary improvements according to the Town of Cheektowaga specifications, said street improvement and said area to be benefited being more particularly described as follows:

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).

WHEREAS, said petition has been duly signed by the owners of real property fronting or abutting on at least one half of the entire frontage or bounds on both sides of said street, highway, private road, right of way or portion thereof, as aforesaid; and

WHEREAS, there are no resident owners which reside in or along said street, highway, private road, right of way or portion thereof covered or represented by such petition; and

WHEREAS, said petition was duly signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the maximum amount proposed to be expended for the construction of said street improvement as stated in the petition, is the sum of \$370,000; and

WHEREAS, the petition provided that the expense of construction of said street improvement shall be borne by local assessment upon the several lots and parcels of land especially benefited thereby, all as stated in said petition and as more fully provided by applicable law;

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 21st day of November, 1988 at 7 00 o'clock P.M. (Prevailing Time) to consider said petition 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 the Town of 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, and in at least 5 conspicuous places along said street, highway, private road, right of way or portion thereof proposed to be improved, 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: NOVEMBER 7, 1988

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Frank E. Smith
Supervisor

David H. Sabrosak
Councilperson

John P. [unclear]
Councilperson

Thomas M. Johnson
Councilperson

Patricia A. [unclear]
Councilperson

Andrew A. [unclear]
Councilperson

Richard [unclear]
Councilperson

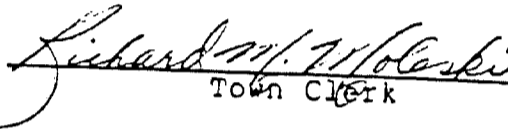
SEAL

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 7th day of November, 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 7th day of November, 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..... NOV 10 1988 ;
last publication..... NOV 10 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *10th*.....

day of *November*....., 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*

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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 degrees 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 degrees 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 (967.06) 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; 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 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 twelve hundredths (66.06) feet to the south line of lands conveyed to the International Railway Company as aforesaid;

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 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 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).

WHEREAS, said petition has been duly signed by the owners of real property fronting or abutting on at least one half of the entire frontage on both sides of said street, highway, easement or portion thereof, as aforesaid; and

WHEREAS, no such real estate is owned by persons residing in or along said street, highway, easement or portion thereof covered or represented by such petition; and

WHEREAS, said petition was duly signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the maximum amount proposed to be expended for the construction of said improvement as stated in the petition, is the sum of \$370,000; and

WHEREAS, the petition provided that the expense of construction of said improvement shall be borne by local assessment upon the several lots and parcels of land especially benefited thereby in proportion to the amount of benefit which the improvement conferred upon the same, all as stated in said petition and as more fully provided by applicable law;

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 21st day of November, 1988 at 7:00 o'clock P.M. (Prevailing Time) to consider said petition 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 the Town of 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, and in at least 5 conspicuous places along said street, highway, private road, right of way or portion thereof proposed to be improved, 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
Dennis H. Gabryszak, Councilperson
Leo T. Kazukiewicz, Councilperson
Thomas M. Johnson, Councilperson
Patricia A. Jaworowicz, Councilperson
Andrew A. Kulyk, Councilperson
Richard B. Solecki, Councilperson
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 7th day of November, 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 7th

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, in said Town, on the 7th day of November, 1988.

PRESENT:

Hon. Frank E. Swiatek, Supervisor
Thomas M. Johnson, Councilperson
Patricia A. Jaworowicz, Councilperson
Dennis H. Gabryszak, Councilperson
Andrew A. Kulyk, Councilperson
Leo T. Kazukiewicz, Councilperson

Richard B. Solecki, Councilperson
In the Matter of the

Petition of the owners of more than one-half of the real property fronting upon both sides of a street, highway, private road or right of way for the improvement thereof by the construction of a street improvement pursuant to Section 200 of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON NOVEMBER 21, 1988

Motion by Councilman Johnson

Seconded by Supervisor Swiatek

WHEREAS, a written petition dated October 20, 1988, was heretofore duly filed with the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively), in the County of Erie, New York pursuant Section 200 of the Town Law of the State of New York, for the improvement of that portion of the street, highway, private road, right of way or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in the Town, and on which it is proposed to construct or cause to be constructed a street improvement consisting of new roadway approximately 1270 feet long and 30 feet wide with flexible pavement, sidewalks, curbs, gutters, culverts and other necessary improvements according to the Town of Cheektowaga specifications, said street improvement and said area to be benefited being more particularly described as follows:

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:

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

WHEREAS, it is important that the Town of Cheektowaga be able to remove snow from its highways should a snow emergency occur during the 1988-89 winter season, and

WHEREAS, the Snow Emergency Plan of the Town of Cheektowaga provides for the hiring of private contractors to remove snow in emergency situations, and

WHEREAS, this Town Board desires to advertise for bids for the contracting of snow plowing and snow removal equipment on an as-needed basis during a snow emergency, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for labor and equipment necessary to remove snow during a snow emergency in the CHEEKTOWAGA TIMES and BE IT FURTHER

RESOLVED that sealed bids will be received until December 2, 1988 at 11:00 A.M., Eastern Standard Time, at which time such bids will be opened by the Town Clerk in the Council Chambers at Cheektowaga Town Hall at a public bid opening.

* * * * *

NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 1988-1989 winter season.

Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, New York between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday.

In order to be considered, all bids must be filed with the town Clerk's Office, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Friday, December 2, 1988 at 11:00 A.M. in the Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words, "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL."

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Non-collusion forms must be signed and submitted with bids.

Richard M. Moleski, Town Clerk

DATED: November 7, 1988

PUBLISHED: November 10, 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..... *NOV 10 1988* ;
last publication..... *NOV 10 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *10th*

day of *November*, 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**

TOWN OF CHEEKTOWAGA

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 1988-1989 winter season.

Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga New York between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday.

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Friday, December 2, 1988 at 11:00 A.M. in the Town Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words, "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL".

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: November 10, 1988

MEETING NO. 25
November 7, 1988

Item No. 7 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, by resolution dated September 6, 1988, this Town Board invited sealed bids for the lease of one (1) 1989 model 4-Wheel Drive Suburban vehicle for use by the Disaster Coordinator for a term of four (4) years, and

WHEREAS, one bid was received and opened at a public bid opening held on September 19, 1988 at 11:00 A.M., and said bid proposal was referred to the Central Garage for analysis, tabulation and report, and

WHEREAS, after analysis, tabulation and report, it has been recommended that the bid for the lease of a 4-Wheel Drive Suburban vehicle be awarded to Lease Corporation, Inc. for a period of four years at a fixed monthly rental of \$398.00, NOW, THEREFORE, BE IT

RESOLVED that the bid for the lease of the 4-Wheel Drive Suburban vehicle be and hereby is awarded to Mernan Chevrolet, Inc., 2751 Bailey Avenue, Buffalo, New York 14215 for a period of four years, at a cost of \$398.00 per month, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute a Lease with Mernan Chevrolet, Inc. on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute any and all other papers necessary to effectuate the lease of the above-mentioned vehicle.

Upon Roll Call....

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

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

WHEREAS, two vacancies exist in the position of Detective in the Police Department, and

WHEREAS, in accordance with the collective bargaining agreement between the Town and the Town Police Club, Inc., such positions were posted and interested candidates were interviewed, and

WHEREAS, the Chief of Police has recommended that Officers Dennis Gibbs and James Bobeck be appointed to the positions of Detective, NOW, THEREFORE, BE IT

RESOLVED that Officers Dennis Gibbs and James Bobeck be appointed to the positions of Detective in the Police Department, effective October 31, 1988, at a salary in accordance with the collective bargaining agreement between the town and the Town Police Club, Inc.

Upon Roll Call....

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

Item No. 8B Appointment of Temporary Working Foreman in Facilities Department
This item was withdrawn.

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

WHEREAS, a vacancy in the position of Sewer Maintenance Man/Worker (with Saturday and Sunday as regular work days) was posted in accordance with the collective bargaining agreement between the Town and the Town Employees Association

Item No. 8C Cont'd.

on October 3, 1988, and

WHEREAS, Robert Latshaw, a full-time Town union employee, bid on such job opening and is eligible and qualified for such position, NOW, THEREFORE, BE IT

RESOLVED that Robert Latshaw be appointed to the position of Sewer Maintenance Man/Worker (with Saturday and Sunday as regular work days) in the Sewer Maintenance Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town Employees Association.

Upon Roll Call....

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

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

WHEREAS, in order to provide for the provision of emergency medical services on a uniform basis, this Town Board has, on May 7, 1984, adopted an Ambulance Services Ordinance ("Ordinance"), and

WHEREAS, said Ordinance provides for the establishment and authorization of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town of Cheektowaga in the implementation of the Ordinance, and

WHEREAS, the completion of the EMS Board is set forth in Section 4A-7 of the Ordinance, and

WHEREAS, the one-year terms of the present individuals who were appointed to the EMS Board expired, NOW, THEREFORE, BE IT

RESOLVED that Laurence Kishbaugh shall be appointed to serve as the Chairman of the EMS Board for a term of one year; and BE IT FURTHER

RESOLVED that the above individuals shall be designated to serve as members of the EMS Board for a term of one year following appointment:

<u>FIRE DISTRICT</u>	<u>REPRESENTATIVE</u>	<u>ALTERNATE</u>
1. Fork's Fire District	William Gomolski	Robert Niedermeyer
2. Cleveland Hill Fire District No. 6	Leo Dusing	Edward Gooch
3. South Line Fire Dist. No. 10	Gene Stamates	Jack Stablewski
4. U-Crest Fire District No. 4	Robert Cummings	
5. Sloan Fire District	Joseph Steward	
6. Hy-View Fire District No. 8	Robert Schmitt	John Jacobs
7. Bellevue Fire District	Ordel Reitz	
8. Doyle Fire District	Leonard Andrzejewski	

and, BE IT FURTHER

RESOLVED that the following individuals shall also serve as members of the EMS Board for a term of one year following appointment:

Phyllis Reinstein
John Schaller (John Howlett - alternate) - designees of Chief of Police
Dr. Paul LiBassi

Upon Roll Call....

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

MEETING NO. 25
November 7, 1988

Item No. 10B Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that Celio M. Nero of Cheektowaga, NY 14225 be hired as a substitute part-time van driver at \$4.25 per hour.

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 Johnson

WHEREAS, the New York State Association of Traffic Safety Boards will be holding its quarterly meeting in Albany, New York on November 15-16, 1988, and

WHEREAS, the Cheektowaga Traffic Safety Commission has requested permission for its Chairman, Carl A. Perlino, to attend such meeting, NOW, THEREFORE, BE IT

RESOLVED that Carl A. Perlino be and hereby is granted permission to attend the aforementioned quarterly meeting of the New York State Association of Traffic Safety Boards, and BE IT FURTHER

RESOLVED that the Town shall reimburse Mr. Perlino for mileage, meals and lodging for a cost not to exceed \$250.00.

Upon Roll Call....

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

*THE ABOVE RESOLUTION WAS DENIED!

Item No. 12 Motion by Supervisor Swiatek Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated October 17, 1988, this Town Board authorized Town personnel to travel to Springfield, Massachusetts to observe and discuss Springfield's recycling incentive program, and

WHEREAS, such resolution established the maximum amount of \$350.00 to be expended for such trip, and

WHEREAS, the actual amount spent for such trip was \$498.29, which amount was paid for by Richard B. Solecki, and

WHEREAS, this Board feels the expenses incurred were reasonable and should be reimbursed, NOW, THEREFORE, BE IT

RESOLVED that an additional \$148.29 be appropriated from General Fund account no. 01-001910-4-0-4082-001 and be paid to Richard B. Solecki to reimburse him for expenses incurred.

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz 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

Item No. 12 Cont'd.

Motion by Supervisor Swiatek Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated October 17, 1988, this Town Board authorized the following Town personnel to travel to Springfield, Massachusetts to observe and discuss Springfield's recycling incentive program:

Richard B. Solecki
Ronald C. Zoeller
Frank Dux
Lawrence Kowal
Ralph Fuerter
Mark Bolis
John Banas

and

WHEREAS, such resolution established the maximum amount of \$350.00 to be expended for such trip, and

WHEREAS, the actual amount spent for such trip was \$498.29, which was paid for by Richard B. Solecki, such expenses having been incurred by all of the above named individuals, and

WHEREAS, this Board feels the expenses incurred were reasonable and should be reimbursed, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that an additional \$148.29 be appropriated from General Fund Account No. 01-001910-4-0-4082-001 and be paid to Richard B. Solecki to reimburse him for expenses incurred.

Upon Roll Call....

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

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

WHEREAS, Gibraltar Steel Corp. has commenced proceedings against the Assessor, the Board of Assessment Review and the Town of Cheektowaga, pursuant to Article 7 of the Real Property Tax Law of the State of New York, for the tax years 1987 and 1988, and

WHEREAS, Gibraltar Steel Corp. and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, Gibraltar Steel Corp. and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for Gibraltar Steel Corp. and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended the attached Settlement Agreement be approved by this Town Board, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board does hereby approve the attached Settlement Agreement between Gibraltar Steel Corp. and the Town of Cheektowaga, and ~~BE~~ IT FURTHER

RESOLVED that special counsel to the Town be and hereby is authorized to sign any and all legal documents necessary to effectuate such settlement, 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 Gibraltar Steel Corp. and the Town of Cheektowaga.

*SEE NEXT FIVE PAGES FOR COPY OF SETTLEMENT AGREEMENT

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application for a Review
under Article 7 of the Real Property Tax Law
of Certain Tax Assessments by GIBRALTAR
STEEL CORPORATION

Petitioner

vs.

STIPULATION OF
SETTLEMENT AND
DISCONTINUANCE

CASIMIR A. KOZMINSKI, Assessor, Town of
Cheektowaga

BOARD OF ASSESSMENT REVIEW OF THE
TOWN OF CHEEKTOWAGA, Erie County, New York

Index No.: 08329/88

and

TOWN OF CHEEKTOWAGA, NEW YORK

Respondents

Review of August 1987 and 1988 Assessments

RECITALS

The above-captioned proceeding seeks judicial review of the final assessment of Petitioner's properties (the "Property") located at 2545 Walden Avenue in the Town of Cheektowaga on the final town assessment roll completed in August, 1987 and 1988.

The Property appears on the 1988-89 assessment roll as three separate tax parcels. The final assessments are as follows:

<u>SBL Number</u>	<u>Assessment</u>
103.13-2-16	\$1,569,600
103.13-2-17	607,200
103.13-2-18	907,700

The Property's total assessment is currently \$3,084,500. It is the parties' intention to settle this pending proceeding in accordance with the terms of this Stipulation, which has been considered and approved by the Town Board of the Town of Cheektowaga. A certified copy of the resolution is annexed hereto.

TERMS

The parties hereby stipulate and agree as follows:

1. The above-captioned proceeding shall be held generally pending completion of performance of the terms of this Stipulation. Upon completion of performance of those terms, this Stipulation may be filed by any party without further notice in the Erie County Clerk's office.

2. If the total final assessment upon the Property on the final Town of Cheektowaga general assessment roll published in August, 1988 and on the tentative and final Town of Cheektowaga general assessment rolls published in August, 1989, 1990, 1991 and 1992 does not exceed the sum of \$2,750,000, then it is covenanted and agreed that:

(a) this Stipulation may be filed in the Erie County Clerk's office on or after August, 1992 to discontinue the above-referenced pending real property tax certiorari petitions with prejudice, and

(b) Petitioner will not seek administrative or judicial review of the subject assessment on any of the assessment rolls, 1989 through 1992 inclusive. If the Property's tentative or final assessment, 1989 through 1992 inclusive, is more than \$2,750,000, the Stipulation shall cease to be binding and shall have no further effect.

3. The parties further covenant and agree that so long as this Stipulation is in full force and effect, the Petitioner shall covenant with any grantee or transferee in any instrument or agreement transferring or conveying title to all or a portion of the subject property or any interest therein that they and their respective distributees, successors and assigns shall be bound by the terms of this Agreement and that this Agreement shall be deemed to run with the land for its term.

4. Notwithstanding anything provided herein to the contrary, if, during the term of this Agreement, any substantial assessable additions, alterations or improvements are made to the Property, or if a substantial portion of the improvements on the Property are destroyed, demolished, removed or improvements or vacant land are condemned or appropriated, this Agreement shall

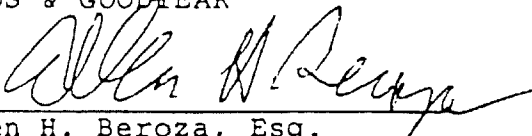
cease to be binding and the assessment may be adjusted accordingly.


DATED: October 5, 1988
Buffalo, New York

HODGSON, RUSS, ANDREWS,
WOODS & GOODYEAR

JOSEPH G. SACCO, ESQ.

By


Allen H. Beroza, Esq.
Attorneys for Petitioner
1800 One M & T Plaza
Buffalo, New York 14203
(716) 856-4000


Attorney for Respondents
22 Victoria Boulevard
Kenmore, New York 14217
(716) 875-5750

State of New York

Court

County of

In the Matter of the Application for a Review under Article 7 of the Real Property Tax Law of Certain Tax Assessments by GIBRALTAR STEEL CORPORATION

08329/88

Index No.

Petitioner

vs.

Year

CASIMIR A. KOZMINSKI, Assessor, Town of Cheektowaga

BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CHEEKTOWAGA, Erie County, New York

STIPULATION OF SETTLEMENT AND DISCONTINUANCE

and

TOWN OF CHEEKTOWAGA, NEW YORK

Respondents

HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR

Attorneys for

COPY

Office, Post Office Address and Telephone 1800 ONE M & T PLAZA BUFFALO, NEW YORK 14203-2391 (716) 856-4000

Personal Service of the within and of the notice (if any) upon endorsed, is admitted this day of , 19

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that an within entitled action on the of the County of day of on the day of , 19 of which the within is a copy, was duly granted in the , and duly entered in the office of the Clerk

To HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR Attorney(s) for Attorneys for

Sir:—Please take notice

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on the day of

To HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR Attorney(s) for Attorneys for

STATE OF NEW YORK, COUNTY OF

SS

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says: deponent is not a party to the action.

over 18 years of age and resides at , 19 deponent served the within

on attorney(s) for in this action, at

the address, designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Item No. 13 Cont'd.

Upon Roll Call....

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

Item No. 14 Motion by Councilman Solecki Councilman Councilman Kulyk

WHEREAS, the Town of Cheektowaga presently does not have a Code of Ethics relating to purchasing for all its employees who are involved in procuring materials and services for the Town, and

WHEREAS, the Town's Ad Hoc Purchasing Committee has been reviewing the purchasing practices of the Town for the past several months and has recommended that the "Standards and Ethics of Purchasing Practice" as listed below be adopted by the Town of Cheektowaga, and

WHEREAS, the "Standards and Ethics of Purchasing Practice" as listed below are subscribed to by the Purchasing Management Association of Buffalo and are closely mirrored in the Office of the State Comptroller Financial Management Guide, NOW, THEREFORE, ~~BE~~

RESOLVED, that this Town Board hereby adopts the following "Standards and Ethics of Purchasing Practice":

1. To consider first the interest of the Town of Cheektowaga in all transactions and to carry out and believe in its established policies.
2. To be receptive to competent counsel from his colleagues and to be guided by such counsel without impairing the dignity and responsibility of his office.
3. To buy without prejudice, seeking to obtain the maximum value for each dollar of expenditure.
4. To strive consistently for knowledge of the materials and processes of a manufacturer, and to establish practical methods for the conduct of his office.
5. To subscribe to and work for honesty and truth in buying and selling, to denounce all forms and manifestations of commercial bribery.
6. To accord a prompt and courteous reception, so far as conditions will permit, to all who call on a legitimate business mission.
7. To respect his/her obligations and to require that obligations to him/her and his/her concern can be respected consistent with good business practice.
8. To avoid sharp practices.
9. To counsel and assist fellow purchasing agents in the performance of their duties, whenever the occasion permits.
10. To cooperate with all organizations and individuals engaged in activities designed to enhance the development and standing of purchasing.

and, ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk be directed to forward a copy of this resolution and the attached form to each Town department head, and ~~BE~~ IT FURTHER

RESOLVED that each Town department head shall execute the attached form and return same to the Supervisor's Office, where such form shall be filed, and ~~BE~~ IT FURTHER

RESOLVED that the aforementioned "Standards and Ethics of Purchasing Practices" shall be effective immediately and may be rescinded by this Town Board if and when this Town Board creates a Purchasing Department and/or appoints a Purchasing Director.

Item No. 14 Cont'd.

Motion by Councilman Gabryszak Seconded by Councilman Johnson to amend the above resolution by deleting a portion of paragraph 5 and all of paragraph 6, 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 Kulyk

WHEREAS, the Town of Cheektowaga presently does not have a Code of Ethics relating to purchasing for all its employees who are involved in procuring materials and services for the Town, and

WHEREAS, the Town's Ad Hoc Purchasing Committee has been reviewing the purchasing practices of the Town for the past several months and has recommended that the "Standards and Ethics of Purchasing Practice" as listed below be adopted by the Town of Cheektowaga, and

WHEREAS, the "Standards and Ethics of Purchasing Practice" as listed below are subscribed to by the Purchasing Management Association of Buffalo and are closely mirrored in the Office of the State Comptroller Financial Management Guide, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the following "Standards and Ethics of Purchasing Practice":

1. To consider first the interest of the Town of Cheektowaga in all transactions and to carry out and believe in its established policies.
2. To be receptive to competent counsel from his colleagues and to be guided by such counsel without impairing the dignity and responsibility of his office.
3. To buy without prejudice, seeking to obtain the maximum value for each dollar of expenditure.
4. To strive consistently for knowledge of the materials and processes of a manufacturer, and to establish practical methods for the conduct of his office.
5. To subscribe to and work for honesty and truth in buying and selling, to denounce all forms and manifestations of commercial bribery.
6. To accord a prompt and courteous reception, so far as conditions will permit, to all who call on a legitimate business mission.
7. To respect his/her obligations and to require that obligations to him/her and his/her concern can be respected consistent with good business practice.
8. To avoid sharp practices.
9. To counsel and assist fellow purchasing agents in the performance of their duties, whenever the occasion permits.
10. To cooperate with all organizations and individuals engaged in activities designed to enhance the development and standing of purchasing.

and, BE IT FURTHER

RESOLVED that the Town Clerk be directed to forward a copy of this resolution to each Town department head, and BE IT FURTHER

RESOLVED that the aforementioned "Standards and Ethics of Purchasing Practices" shall be effective immediately and may be rescinded by this Town Board if and when this Town Board creates a Purchasing Department and/or appoints a Purchasing Director.

Item No. 14 Cont'd.

Upon Roll Call....

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

Item No. 15 Appropriate moneys for Centralized Purchasing Department.
This item was withdrawn.

Item No. 16A Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town's existing computer software package does not meet the needs of the Town, and

WHEREAS, Western New York Business Services was previously retained by this Town Board to perform an initial evaluation of various software packages, and

WHEREAS, the Director of Administration and Finance has now recommended that Western New York Business Services be retained for a full and complete review of the existing financial systems software and suggested software packages, and

WHEREAS, the estimated cost for such review, \$5,000.00, would be well spent and would pay for itself many times over, and

WHEREAS, this Town Board desires to establish a capital project account and provide funding for such computer software review, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves this portion of the Townwide computer Systems Project and establishes Capital Project Account number 05-1910-8821-0200 for same, and BE IT FURTHER

RESOLVED that \$5,000.00 from contingency account number 601-1220-004-4321 be and hereby is transferred into the Capital Project Account number 05-19108821-0200 to fund such computer software review, and BE IT FURTHER

RESOLVED that the Director of Administration and Finance be and hereby is named as the project manager for the Townwide Computer Systems Capital Project and is responsible for all transactions involved with such project, including the authorization of vouchers for same, and BE IT FURTHER

RESOLVED that Western New York Business Service be and hereby is retained at a cost not to exceed \$5,000.00 to review and prepare a Final Report and Recommendation on a Software Package for the Town of Cheektowaga, such report to be submitted to this Town Board.

Upon Roll Call....

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

Item No. 16B Motion by Councilman Kulyk Seconded by Supervisor Swiatek

WHEREAS, Pyramid Company of Buffalo has requested permission to erect three signs along Walden Avenue identifying the Walden Galleria Mall, the first sign being at Access Drive Number 1, the second sign being at Access Drive Number 2 and the third sign being at the intersection of Walden Avenue and the proposed Galleria Drive, and

WHEREAS, on February 17, 1988, the Pyramid Company of Buffalo received a variance from the Zoning Board of Appeals allowing the construction of the three identification signs, and

Item No. 16B Cont'd.

WHEREAS, in addition to the approval by the Zoning Board of Appeals, Section 82-35A of the Zoning Ordinance requires that the location, size, height and type of illumination for the identification signs must be approved by the Town Board, and

WHEREAS, this Town Board has reviewed the location, size, height and type of illumination for the identification signs, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves the location, size, height and type of illumination for the above referenced identification signs.

Motion by Councilman Kulyk 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

Motion by Councilman Kulyk Seconded by Supervisor Swiatek

WHEREAS, Pyramid Company of Buffalo has requested permission to erect three signs along Walden Avenue identifying the Walden Galleria Mall, the first sign being at Access Drive Number 1, the second sign being at Access Drive Number 2 and the third sign being located on Galleria Drive, east of I-90, and

WHEREAS, on February 17, 1988, the Pyramid Company of Buffalo received a variance from the Zoning Board of Appeals allowing the construction of the three identification signs, and

WHEREAS, in addition to the approval by the Zoning Board of Appeals, Section 82-35A of the Zoning Ordinance requires that the location, size, height and type of illumination for the identification signs must be approved by the Town Board, and

WHEREAS, this Town Board has reviewed the location, size, height and type of illumination for the identification signs, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves the location, size, height and type of illumination for the above referenced identification signs.

Upon Roll Call....

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

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

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

WHEREAS, the EMS Board has completed an initial review and evaluation of the various license application(s) submitted for 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

Item No. 16C Cont'd.

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 SCHEDULED OF NEW AMBULANCE DRIVER/ATTENDANT LICENSEES

* NEW *

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
BRADLEY, STEVEN P.	Tonawanda, NY 14150	Gold Cross	5/31/91
*BRIOR, BARRY B	North Tonawanda, NY 14120	Town's Amb.	5/31/91
FULLER, ROBERT F.	Buff.State ,Bflo, NY 14213	Gold Cross	5/31/91
GOELLER, DEIRDRE A.	Buffalo, N.Y. 14222	Gold Cross	5/31/91
*GRIFFIN, LISA M.	Buffalo, NY 14220	Gold Cross	5/31/89
HERBERGER, JENNIFER L.	Akron, NY 14001	Town's Amb.	12/31/90
JARDINE, DANNY C.	West Falls, N.Y. 14170	Gold Cross	1/31/91
KERNER, ROBERT B.	Tonawanda, N.Y. 14150	Gold Cross	5/31/91
KRAUSS, ROBERT A.	Lancaster, N.Y. 14086	Gold Cross	12/31/90
KRIEGER, DAVID R.	Buffalo, NY 14215	Town's Amb.	12/31/90
LEE, PAUL Y.	Northwing Buffalo State Bflo, NY 14213	Gold Cross	5/31/90
LIN, DAVID	Buffalo, N.Y. 14214	Gold Cross	6/30/90
LUICK, JR., WARREN J.	Sanborn, N.Y. 14132	Gold Cross	5/31/91
NOLAN, MICHAEL P.	East Aurora, N.Y. 14052	Gold Cross	12/31/90
PETRIE, WILLIAM J.	West Falls, N.Y. 14170	Gold Cross	12/31/89
SLIWINSKI, LUCY F.	East Aurora, N.Y. 14052	Gold Cross	1/31/91
SNAZA, JEFFREY F.	Elma, N.Y. 14059	Gold Cross	12/31/90

Attendant Only License

*NEW *

Page 2
11/7/88

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
STEVENSON, JAMES W.	East Aurora, NY 14052	Gold Cross	5/31/91
SUSSMAN, BARBARA A.	Buffalo, N.Y. 14215	Town's	5/31/91
TEE, DELIA D.	South Wales, N.Y. 14139	Gold Cross	5/31/90

Item No. 16C Cont'd.

Upon Roll Call....

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

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

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

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

WHEREAS, this Town Board desires to renew such 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 SCHEDULE OF RENEWAL DRIVER/ATTENDANT LICENSEES

11/7/88

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

* RENEWALS *

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
GRAVES, THOMAS K.	Scio, N.Y. 14880	Gold Cross	5/31/90
PFEIFFER, JOSEPH B.	Akron, N.Y. 14001	Town's	5/31/91

Item No. 16D Cont'd.

Upon Roll Call....

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

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

WHEREAS, north of Walden Avenue and east of Harlem Road lies a historically-significant family cemetery known as the Bennett Cemetery, and

WHEREAS, such cemetery has local historical significance because it was one of the first settlers' cemeteries in the Town and the Town's first Town Clerk, Elnathan Bennett, and Franklin Hitchcock, son of Appollos Hitchcock, are buried here, and

WHEREAS, the Town Historian has recommended that the Town obtain such cemetery land so that it could be properly maintained and be accessible to the public, and

WHEREAS, the current owners of such Bennett Cemetery, Mr. and Mrs. Joseph F. Basil, Jr., have offered to convey such cemetery to the Town and have executed the attached deed to convey such property to the town at no cost to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the attached deed for the Bennett Cemetery, including easement rights for access to such cemetery from Walden Avenue, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to sign the I.R.S. Form 8283 to verify donation of such property to the town, and BE IT FURTHER

RESOLVED that the Town Attorneys Office be and hereby is directed to record the attached deed in the Erie County Clerk's Office, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute any other papers necessary to effectuate the transfer of the Bennett Cemetery property and easement to the Town.

*SEE NEXT TWO PAGES FOR COPY OF DEED.

This Indenture

Made the
Eighty-Eight
Between

8^E

day of November

Nineteen Hundred and

JOSEPH F. BASIL, JR. and LEE ANN BASIL, his wife,
6100 Gott Creek
East Amherst, New York 14051

1909 JAN - 14 PM 2: 46
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TOWN CLERK
CHEEKTOWAGA

part ies of the first part, and
TOWN OF CHEEKTOWAGA, a municipal corporation, having its office
and principal place of business at Town Hall, corner of Broadway and Union Road,
Cheektowaga, New York 14227

part y of the second part.

Witnesseth, that the said part y of the first part, in consideration of -----
-----ONE AND NO MORE----- Dollars,

(\$ 1. & No More) lawful money of the United States.
paid by the part y of the second part, do hereby remise, release and forever Quit-Claim
unto the said part y of the second part, its successors and assigns forever, 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. 24, Township 11, Range
7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the northerly line of Walden Avenue,
as now laid out, at the southwesterly corner of lands conveyed to Basil
Oldsmobile, Inc. by Deed recorded in the Erie County Clerk's Office in
Liber 8956 of Deeds at page 458, said point being further described as
being thirty (30) feet easterly measured at right angles from the westerly
line of lands conveyed to Elnathan Bennett by Deed recorded in the Erie
County Clerk's Office in Liber 58 of Deeds at page 549; thence northerly
along a line drawn parallel with the westerly line of lands so conveyed
to Elnathan Bennett, a distance of 281.6± feet to the point or place of
BEGINNING;

thence westerly along the southerly line of a graveyard mentioned
and excepted in a deed to Charles E. Webster recorded in the Erie County
Clerk's Office in Liber 494 of Deeds at Page 192 a distance of 70.95± feet
to the southwesterly corner of said graveyard; thence northerly at an
interior angle of 93°28' and along the westerly line of said graveyard
a distance of 108.25 feet to a point being the northwesterly corner of
said graveyard; thence easterly at an interior angle of 83°33'30" along
the northerly line of said graveyard a distance of 130.0± feet to the
northeasterly corner of said graveyard; thence southerly at an interior
angle of 92°41'20" and along the easterly line of said graveyard a distance
of 101.42 feet to the southeasterly line of said graveyard; thence westerly
at an interior angle of 90°17'10" along the southerly line of said graveyard
48.71 feet to the point or place of beginning.

TOGETHER with a fifteen (15) foot wide by 286.42± foot long easement
providing the grantee with access to such lands described above from Walden
Avenue, said easement area lands being further described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga,
County of Erie and State of New York, being part of Lot No. 24, Township
11, Range 7 of the Holland Land Company's Survey, bounded and described
as follows:

BEGINNING at a point in the northerly line of Walden Avenue, as now
laid out, 15.15 feet west of the southwesterly corner of lands conveyed
to Basil Oldsmobile, Inc. by Deed recorded in the Erie County Clerk's Office
in Liber 8956 of Deeds at page 458, said point being further described
as being fifteen (15) feet easterly measured at right angles from the
westerly line of lands conveyed to Elnathan Bennett by Deed recorded in
the Erie County Clerk's Office in Liber 58 of Deeds at page 549; thence
northerly along a line drawn parallel with the westerly line of lands so
conveyed to Elnathan Bennett a distance of 286.42± feet to a point being
on the southerly line of a graveyard mentioned and excepted in a deed to
Charles E. Webster recorded in the Erie County Clerk's Office in Liber
494 of Deeds at page 192; thence westerly along the southerly line of said
cemetery a distance of fifteen (15) feet to a point; thence southerly and
parallel with and fifteen (15) feet westerly from the north-south line
mentioned above in this easement description 286.42 feet to a point on
the north line of Walden Avenue; thence easterly along the north line of
Walden Avenue fifteen (15) feet to the point or place of beginning.

U00962P 168

Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

To have and to hold, the above granted premises unto the said party of the second part, their successors and assigns forever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Joseph F. Basil, Jr.
Lee Ann Basil
Lee Ann Basil



State of New York } ss. On this 8th day of November
County of Erie } Nineteen Hundred and Eighty-Eight
before me, the subscriber, personally appeared
JOSEPH F. BASIL, Jr. and LEE ANN BASIL, his wife,

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they acknowledged to me that they executed the same.

STEPHEN E. CAVANAUGH
NOTARY PUBLIC, State of New York
Qualified in Erie County
My Commission Expires March 31, 1989

Stephen E. Cavanaugh

State of New York } ss. On this day of
County of } Nineteen Hundred and
before me, the subscriber, personally appeared

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

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1988 DEC 22 AM 9:44

ERIE COUNTY
CLERK'S OFFICE

JOSEPH F. BASIL, JR.
and
LEE ANN BASIL, his wife,

16

TOWN OF CHEEKTOWAGA

Dated November 8th 1988

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

Recorded in Liber. 9962 Page 168
of ... day of ...
A.D., 1988, at ... o'clock ... A.M
and examined.

David J. Swartz
CLERK

copy 727995
1-11 no. 3

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Item No. 17A Cont'd.

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

WHEREAS, the Pyramid Company of Buffalo (the "Applicant") is constructing a regional shopping center in the Town of Cheektowaga known as the Walden Galleria (the "Project"), and

WHEREAS, the loss of wildlife habitat which will result from the full development of the Project has been addressed in a "Wildlife Mitigation Plan" offered by the Applicant, dated January, 1988 and amended June, 1988, which Mitigation Plan requires the purchase and conveyance to the Town of Cheektowaga of a 12.93 acre tract of land lying along Cayuga Creek with approximately 2,000 feet of creek frontage for wildlife preserve purposes (the "Parcel"), and which Mitigation Plan has been accepted and approved by the New York State Department of Environmental Conservation ("NYSDEC") and the Town of Cheektowaga ("Town") and agreed by NYSDEC and the Town to resolve the loss of wildlife habitat along Scajaquada Creek resulting from the full development of the Project, and

WHEREAS, in its Findings Statement pertaining to the Project, this Town Board required, as Approval Condition and Mitigation Measure (y), that the Applicant purchase and convey to the town, or other governmental agency, the Parcel for the purposes discussed above, and

WHEREAS, by resolution dated October 3, 1988, this Town Board entered into an agreement with the Applicant and the Estate of Victor Reinstein whereby the Applicant agreed to purchase the Parcel from the Estate of Victor Reinstein and convey same to the town, and

WHEREAS, on October 21, 1988, the sale and transfer of the Parcel to the Town was completed by means of a deed being recorded in the Erie County Clerk's Office in Liber 9934 of Deeds at Page 368, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the Parcel conveyed in Liber 9934 of Deeds at Page 368 on October 21, 1988, and BE IT FURTHER

RESOLVED that this Town Board hereby acknowledges that the Applicant has fully complied with Approval Condition and Mitigation Measure (y) of the Findings Statement.

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 Kazukiewicz

WHEREAS, Section 189 of the Highway Law of the State of New York provides that "(a)ll lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway....". and

WHEREAS, a highway in the Town of Cheektowaga known as Fronckowiak Avenue running north and south and located south of Cayuga Creek Road and north of Cayuga Creek has been used by the public as a highway for a period of ten years or more and has also been maintained by the Highway Department of the Town of Cheektowaga for a period of ten years or more, and

WHEREAS, the Town Superintendent of Highways has confirmed the above and has recommended that the Town accept and dedicate as a Town highway the roadway

Item No. 17C Cont'd.
known as Fronckowiak Avenue, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept as a Town highway the roadway known as Fronckowiak Avenue, which highway is more particularly described on the attached affidavit of the Superintendent of Highways of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to record a certified copy of this resolution and the attached affidavit in the Erie County Clerk's Office.

*SEE NEXT PAGE FOR COPY OF AFFIDAVIT

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

RE: Premises commonly known as Maishoss Street

The undersigned, being duly sworn, deposes and says as follows:

1. Affiant is the Superintendent of Highways of the Town of Cheektowaga, Erie County, New York and has his office and principal place of business at 3145 Union Road, Cheektowaga, New York.

2. That, as Superintendent of Highways of the Town of Cheektowaga, affiant has the care and superintendence of town highways within the Town of Cheektowaga.

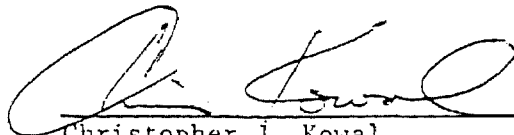
3. That affiant is also the custodian of Town records relating to the use and maintenance of all lands within the Town of Cheektowaga used as Town highways.

4. That, according to the records maintained by the Office of the Superintendent of Highways of the Town of Cheektowaga, lands known as Maischoos Street and further described in the Legal Description for Maischoos Street, , as shown below, have been used by the public and maintained and repaired by the Office of the Superintendent of Highways of the Town of Cheektowaga as a Town highway for a period of ten years or more, and, as such, such lands are a Town highway pursuant to Section 189 of the Highway Law of the State of New York.

Legal Description for Maishoss Street

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. 84 Township 10, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

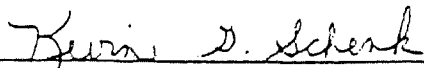
BEGINNING at a point on the northwest corner of lands conveyed to Patricia Ann Smith by deed recorded in the Erie County Clerk's Office in Liber 9496 of Deeds at page 236 on October 9, 1985; thence southerly along the west property line of said lands conveyed to Patricia Ann Smith, a distance of 145 feet; thence southerly along the west property line of lands conveyed to Patricia A. Smith by deed recorded in the Erie County Clerk's Office in Liber 8740 of Deeds at Page 165 a distance of 140 feet; thence south along the west property line of lands conveyed to Konstanty Chuchla et al. by deed recorded in the Erie County Clerk's Office in Liber 7429 of Deeds at Page 362 a distance of 155 feet; thence southerly along the west property line of lands conveyed to Konstanty Chuchla by deed recorded in the Erie County Clerk's Office in Liber 7456 of Deeds at Page 377 a distance of 210 feet; thence westerly and at right angles a distance of 50 feet; thence northerly and parallel with the aforementioned easterly lines of this land a distance of 650 feet to a point on the south line of Cayuga Creek Road; thence westerly along the south line of Cayuga Creek Road a distance of 50 feet to the point or place of beginning.



Christopher J. Kowal
Superintendent of Highways
for the Town of Cheektowaga

Sworn to before me this 29th
day of June, 1988.

My Commission Expires Feb. 28, 1989
Qualified in Erie County
Notary Public, State of New York
KEVIN G. SCHENK



Item No. 17C Cont'd.

Upon Roll Call....

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

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

WHEREAS, Section 189 of the Highway Law of the State of New York provides that "(a)ll lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway.....", and

WHEREAS, a highway in the Town of Cheektowaga known as Maishoss Street running north and south and located south of Cayuga Creek Road and north of Cayuga Creek has been used by the public as a highway for a period of ten years or more and has also been maintained by the Highway Department of the Town of Cheektowaga for a period of ten years or more, and

WHEREAS, the Town Superintendent of Highways has confirmed the above and has recommended that the Town accept and dedicate as a Town highway the roadway known as Maishoss Street, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept as a Town highway the roadway known as Maishoss Street, which highway is more particularly described on the attached affidavit of the Superintendent of Highways of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to record a certified copy of this resolution and the attached affidavit in the Erie County Clerk's Office.

*SEE NEXT PAGE FOR COPY OF AFFIDAVIT

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, the U.S. Army Corps of Engineers, together with the U.S. Geological Survey, has constructed a stream gaging station on Scajaquada Creek at Pine Ridge Road to continually monitor Scajaquada Creek flows over the past 28 years, and

WHEREAS, said stream flow data was used in the justification and design of the Scajaquada Creek Flood Control Project, and

WHEREAS, the U.S. Geological Survey is willing to continue operation of this gaging station if the Town of Cheektowaga will enter into an agreement with them to share in the cost of operation, and

WHEREAS, the Town Engineer has had access to this station and its flow recorders and advises that this continuous creek recording has been advantageous to the Town's Sanitary Sewer District No. 5 area in providing advance warning on flood potentials, NOW, THEREFORE, BE IT

RESOLVED that the request to continue operation of the Scajaquada Creek gaging station is approved, AND, BE IT FURTHER

RESOLVED that the Supervisor is directed and authorized to sign the agreement with the U.S. Department of the Interior for the contract period of October 1, 1988 to September 30, 1989, AND, BE IT FURTHER

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

RE: Premises commonly known as Maishoss Street

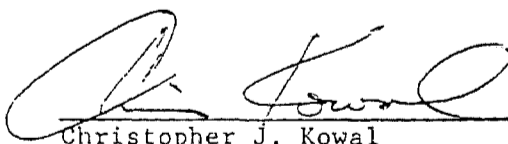
The undersigned, being duly sworn, deposes and says as follows:

1. Affiant is the Superintendent of Highways of the Town of Cheektowaga, Erie County, New York and has his office and principal place of business at 3145 Union Road, Cheektowaga, New York.
2. That, as Superintendent of Highways of the Town of Cheektowaga, affiant has the care and superintendence of town highways within the Town of Cheektowaga.
3. That affiant is also the custodian of Town records relating to the use and maintenance of all lands within the Town of Cheektowaga used as Town highways.
4. That, according to the records maintained by the Office of the Superintendent of Highways of the Town of Cheektowaga, lands known as Maischoos Street and further described in the Legal Description for Maischoos Street, , as shown below, have been used by the public and maintained and repaired by the Office of the Superintendent of Highways of the Town of Cheektowaga as a Town highway for a period of ten years or more, and, as such, such lands are a Town highway pursuant to Section 189 of the Highway Law of the State of New York.

Legal Description for Maishoss Street

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. 84 Township 10, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the northwest corner of lands conveyed to Patricia Ann Smith by deed recorded in the Erie County Clerk's Office in Liber 9496 of Deeds at page 236 on October 9, 1985; thence southerly along the west property line of said lands conveyed to Patricia Ann Smith, a distance of 145 feet; thence southerly along the west property line of lands conveyed to Patricia A. Smith by deed recorded in the Erie County Clerk's Office in Liber 8740 of Deeds at Page 165 a distance of 140 feet; thence south along the west property line of lands conveyed to Konstanty Chuchla et al. by deed recorded in the Erie County Clerk's Office in Liber 7429 of Deeds at Page 362 a distance of 155 feet; thence southerly along the west property line of lands conveyed to Konstanty Chuchla by deed recorded in the Erie County Clerk's Office in Liber 7456 of Deeds at Page 377 a distance of 210 feet; thence westerly and at right angles a distance of 50 feet; thence northerly and parallel with the aforementioned easterly lines of this land a distance of 650 feet to a point on the south line of Cayuga Creek Road; thence westerly along the south line of Cayuga Creek Road a distance of 50 feet to the point or place of beginning.



Christopher J. Kowal
Superintendent of Highways
for the Town of Cheektowaga

Sworn to before me this 29th
day of June, 1988.

My Commission Expires Feb. 28, 1989

KEVIN G. SCENK
Notary Public, State of New York
Qualified in Erie County

CERTIFIED COPY
OF MINUTES OF
TOWN BOARD OF
TOWN OF CHEEKTOWAGA
Dated Nov. 7, 1988

FILED

1988 NOV 22 PM 2:25

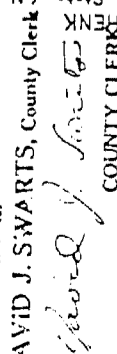
ERIE COUNTY
CLERK'S OFFICE

354

H009949P018

STATE OF NEW YORK
ERIE CO. CLERK'S OFFICE

Recorded in Liber 9496
Page 236 of 236
by of Patricia Ann Smith
on the 9th
day of October, 1985
A.D., 1985
at 2:50 o'clock PM
and examined.

AVID J. SWARTS, County Clerk

COUNTY CLERK

Chg 27927
7-1100-10

Item No. 18A Cont'd.

RESOLVED that the Town's cost of \$3,650.00 is to be charged to Sewer District No. 5, Account No. 258125.4543.

Upon Roll Call....

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

Item No. 18B Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is desirous of continuing the operation of a joint program with Catholic Charities Metropolitan Services Department of 525 Washington Street, Buffalo, New York, 14203, whereby school drop-outs, potential drop-outs, and high risk youth within the Town will receive vocational, educational, and personal adjustment counseling through the School Intervention Service; and

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute said agreement between the Town of Cheektowaga and Catholic Charities Manpower Services, Inc. to continue said program for a twelve (12) month period, January 1, 1989 through December 31, 1989 with a total cost not to exceed the sum of \$75,062.00, and, BE IT FURTHER

RESOLVED that Catholic Charities Manpower Services, Inc., will reimburse the Town up to \$18,765.00 (25%) of the actual cost of operating said program and the New York State Division for Youth will reimburse the Town up to \$37,531.00 (50%) leaving the actual cost to the Town at \$18,766.00 (25%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-0004-4677

Upon Roll Call....

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

Item No. 18C Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is desirous of continuing the operation of the Cheektowaga Youth Employment Program with Catholic Charities Manpower Services, Inc., 525 Washington Street, Buffalo, New York, which assists youth seeking employment and develops employment opportunities, and

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute said agreement between the Town of Cheektowaga and Catholic Charities Manpower Services to continue said program for a twelve (12) month period, January 1, 1989 through December 31, 1989 with a total cost not to exceed the sum of \$19,485.00, AND, BE IT

FURTHER RESOLVED that the New York State Division for Youth will reimburse the Town for up to \$9,743.00 (50%) of the total costs of operating said program leaving the actual cost to the Town at \$9,742.00 (50%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-0004-4694

Upon Roll Call....

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

Item No. 18D Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at each of Cheektowaga's four branch libraries, which provide special activities that encourage children to read and become more familiar with the library, and

WHEREAS, the Library Enrichment Program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga continue said program for a twelve (12) month period, January 1, 1989, through December 31, 1989, with a total cost not to exceed \$1,400.00, AND, BE IT

FURTHER RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute said agreement between the Town of Cheektowaga and the Cheektowaga Public Library System.

CONTRACT # (BUDGET LINE ITEM) 01-7310-0004-4675

Upon Roll Call....

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

Item No. 18E Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the Cheektowaga Youth Bureau is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York, 14202, for the purpose of providing group, individual and family counseling to police and court referred juveniles, youthful offenders, and runaway and homeless youth, and

WHEREAS, the First Offender and Troubled Youth Counseling Program would be located at the agency's East Regional Office, located at 45 Anderson Road, in Cheektowaga, and

WHEREAS, said program is open to Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute said agreement between the Town of Cheektowaga and Child and Family Services to continue said program for a twelve (12) month period, January 1, 1989 through December 31, 1989 with a total cost not to exceed the sum of \$54,485.00, BE IT

FURTHER RESOLVED that Child and Family Services will reimburse the Town for up to \$8,228.00 (15%) of the actual costs of operating said program and the New York State Division for Youth will reimburse the town for up to \$27,243.00 (50%) leaving the actual cost to the Town at \$19,014.00 (35%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-0004-4687

Upon Roll Call....

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

Item No. 18F Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the Cheektowaga Youth Bureau is desirous of continuing the operation of the Youth Engaged in Service Program with the Youth Department - Diocese of Buffalo of 795 Main Street, Buffalo, New York, which prepares teenage volunteers to assist their community in various projects that require a need for volunteers, and

Item No. 18F Cont'd.

WHEREAS, said project is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute said agreement between the Town of Cheektowaga and the Youth Department - Diocese of Buffalo to continue said program for a twelve (12) month period, January 1, 1989 through December 31, 1989 with a total cost not to exceed the sum of \$21,069.00 and BE IT

FURTHER RESOLVED that the Youth Department - Diocese of Buffalo will reimburse the town for up to \$4,417.00 (21%) of the actual costs of operating said program and the New York State Division for Youth will reimburse the Town up to \$10,535.00 (50%) leaving the actual cost to the Town at \$6,117.00 (29%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-0004-4685

Upon Roll Call....

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

Item No. 18G Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is desirous of sponsoring two weekend camp experiences for developmentally disabled youngsters, and

WHEREAS, the Camp Fire Council of Buffalo and Erie County, Inc., is willing to permit us to utilize Camp Aloha February 3, 1989 through February 5, 1989, and February 24th through 26th at a sum not to exceed \$640.00, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Agreement with the Camp Fire Council of Buffalo and Erie County, Inc. for the rental of the aforementioned camp ground facilities.

CONTRACT # (BUDGET LINE ITEM) 01-7310-0004-4693 and/or T&A 894

Upon Roll Call....

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

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

WHEREAS, the Town Board has identified a need to evaluate the community's parks and recreation programs including, but not limited to, a Community Needs Assessment and a Master Plan for Stiglmeier Park, and

WHEREAS, the Community Needs Assessment will inventory existing recreational facilities, their location, size, capacity and state of repair; identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities; identify and recommend recreational program needs, facility function and size, capital investment and location within the town recreational system; project phasing and capital budgeting schedule, AND

WHEREAS, the Stiglmeier Park Master Plan will inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development; soils and vegetative cover surveys; identify appropriate additional recreational activities for the park so to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

WHEREAS, an Ad-Hoc Sports Advisory Committee could investigate and report back to this Town Board its findings with respect to sports, recreational

Item No. 19 Cont'd.

activities and parks facilities desired by the community, and

WHEREAS, the Town Board has successfully implemented volunteer ad-hoc committees in the past to advise the Board in its personnel and purchasing areas, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the Cheektowaga Ad-Hoc Sports Committee to assess the community's parks and recreation program and to make recommendations on a Master Plan for Stiglmeier Park, and, BE IT FURTHER

RESOLVED that the following named individuals be and hereby are appointed to this committee:

- | | | |
|-------------------|-------------------------|--------------------|
| Herbert Niebergal | Henry Andrzejewski, Sr. | William Rogowski |
| Gary Parks | John Abraham | Waldemar Pawlowski |
| Len Kosobucki | Gerald Kupkowski | Alvin Leuthe |
| Richard Wipperman | Matt Szydowski | Frank Trawinski |
| Mary Holtz | | |

* * * * *

Motion by Councilman Gabryszak Seconded by Supervisor Swiatek to table 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

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 20 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the firm of Saratoga Associates has submitted a proposal to provide a Community Needs Assessment and Master Plan for Stiglmeier Park, and

WHEREAS, said Community Needs Assessment and Master Plan for Stiglmeier Park will:

1. inventory existing recreational facilities, their location size, capacity and state of repair;
2. identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities;
3. identify and recommend recreational program needs, facility function and size, capital investment and location within the town recreational system;
4. provide project phasing and capital budgeting schedule;
5. inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development;
6. provide soils and vegetative cover surveys; and
7. identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

WHEREAS, Saratoga Associates proposes to provide the Community Needs Assessment and Stiglmeier Park Master Plan at a cost of \$20,000, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby retains the firm of Saratoga Associates, 539 Franklin Street, Buffalo, New York, to perform a Community Needs Assessment and Stiglmeier Park Master Plan at a cost not to exceed \$20,000, AND, BE IT FURTHER

Item No. 20 Cont'd.

RESOLVED that funds for said action are available from Account No. 05-7110-8821-1108.

* * * * *

Motion by Councilman Gabryszak Seconded by Supervisor Swiatek to table 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

* * * * *

*THE ABOVE RESOLUTION WAS TABLED!

Item No. 21 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

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 October 7, 1988, rendered the determinations shown on the attached memo dated October 17, 1988, and

WHEREAS, this Town Board has reviewed the applications submitted and 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 October 17, 1988 memo attached hereto:

- | | |
|---------|-----------------|
| Item I | 2335 Union Road |
| Item IV | Innsbruck Road |

*SEE NEXT THREE PAGES FOR MEMO

OFFICE OF
BUILDING & PLUMBING INSPECTIONS

RONALD MARTEN

Supervising Bldg. and Plbg. Inspector

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: October 17, 1988

RECEIVED
OCT 18 1988
TOWN ATTORNEY

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on October 7, 1988, in the Town Hall Council Chambers.

ITEM I 2335 Union Road - Proposed 24,000 Sq. Ft.
Warehouse For Rosa's
Appliances

Applicant: Telfair Construction Corp.

Determination: Non-Significant With Stipulations

This item had been before the Committee at the previous meeting and the applicant at that time was informed that additional information must be shown on the site plan. A new plan was submitted and reviewed by the Advisory Committee. It was determined that a drainage easement will not be necessary for the property. The conditions are as follows: additional landscaping or screening must be provided along the North property line where the Rosa's property abutts the nursing home; Planning Board must review landscaping; sprinkler/hydrant calculations must be submitted to the Building Department for review by the Building & Fire Inspectors.

RE: EQR - October 7, 1988
October 17, 1988
Page 2

ITEM II 1695 Walden Avenue - Proposed 10,000 Sq. Ft.
Building & 2400 Sq. Ft.
Addition

Applicant: Telfair Construction Corp.

Determination: Tabled

The Committee discussed this item extensively with the applicant and identified the need for additional information. The Town Engineer requested information and testing on the water lines and hydrants within the private complex. Also ownership must be established for this water line. Towards the rear of the parcel there is an easement and drainage pipes and the Town Engineer wants the location, sizes of the pipes verified. The applicant was further advised to present this to the Planning Board for their review.

ITEM III 794 French Road - Proposed Rezoning For
Establishment Of Retail
Sales

Applicant: Paul Szczesek

Determination: Non-Significant With Stipulations

The applicant had been before the Committee previously and was asked to provide additional information on drainage and parking. He submitted new plans which show no effect upon the existing drainage systems in the area and provided additional details for parking which shows compliance with the Zoning Ordinance except that he must widen the driveway to the required 25 ft. width. The Erie County Division of Planning replied by making a number of comments. The comments were concerned with spot zoning and compatibility of the surrounding land uses. The Committee, in reviewing, this action found that the specific use proposed would not have an adverse impact upon the surrounding area, but that a rezoning to Retail Business might cause future problems should the property change hands. Erie County is concerned with the possibility of spot zoning and the significance it would have in the area as far as future uses. Therefore the Committee, although not finding significance with this particular use, would recommend to the Town Board that they carefully review with the Law Department the question of spot zoning.

RE: EQR - October 7, 1988
October 17, 1988
Page 3

ITEM IV Innsbruk Road - Proposed 4,000 Sq. Ft.
Office/Warehouse

Applicant: LBM Construction Inc.

Determination: Non-Significant With Stipulations
The applicant proposes to construct an office/warehouse for the storage and distribution of printing inks. This item had been before the Committee previously at which time additional information was requested. A new plan was submitted which shows additional details as to parking and building layout. After some discussion it was determined that the applicant will need to present the item to the Planning Board for landscaping approval and a detailed drainage plan to the Engineering and Highway Departments for their approval. Also the paved area towards the rear of the property must be extended for truck maneuverability.

ITEM V Harlem Road @ Lyman - Proposed Texas Hots
Restaurant

Applicant: James Chambos

Determination: Non-Significant With Stipulations
The applicant proposes to construct a drive-in restaurant on the parcel of property along Harlem between Lyman and McParlin. This would be compatible with existing uses in the area which is essentially retail sales and restaurants. A number of items were discussed with the applicant, most specifically, the East property line where it borders the residential area. It was suggested to the applicant that he eliminate 2 parking spaces and install additional landscaping along Lyman Avenue to better buffer the area between the restaurant and residences. Further, a 6 foot stockade fence must be installed along the East property line. A final landscaping and drainage plan must be submitted to the Town for approval.

It is understood that the applicant must apply to the Zoning Board of Appeals for a number of variances and due to the situation along Harlem Road at that location, the Committee felt that the request was not excessive. Variances would include parking closer to the residential district boundary, reduction in the required front yard set back and a larger than normally allowed sign.

Item No. 21 Cont'd.

Upon Roll Call....

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

Item No. 22A Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, the Town currently maintains as a Town road Center Street, which runs from Harlem Road east to Girard Avenue, and

WHEREAS, with the advent of the E-911 system, the current naming of the roadway is confusing with another street known as Center Avenue, which is located between Como Park Boulevard and Bennett Road, and

WHEREAS, the Town Superintendent and the Police Department have requested that such roadway be re-named, NOW, THEREFORE, ~~BE IT~~

RESOLVED that the Town highway known as Center Street and located between Harlem Road and Girard Avenue be and hereby is re-named "Cardinal Drive", and ~~BE IT FURTHER~~

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such street name change:

- Assessor
- Planning Board
- County Clerk
- County Highway Department
- U.S. Post Office

Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz to amend the above resolution by substituting it with a new 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 Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, the Town currently maintains as a Town road Center Street which runs from Harlem Road east to Girard Avenue, and

WHEREAS, with the advent of the E-911 system, the current naming of the roadway is confusing with another street known as Center Avenue, which is located between Como Park Boulevard and Bennett Road, and

WHEREAS, the Town Superintendent of Highways and the Police Department have requested that such roadway be re-named, NOW, THEREFORE, ~~BE IT~~

RESOLVED that the Town Highway known as Center Street and located between Harlem Road and Girard Avenue be and hereby is re-named "Candlelight Lane", and, ~~BE IT FURTHER~~

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such street name change:

Item No. 22A Cont'd.

Assessor
Planning Board
County Clerk
County Highway Department
U.S. Post Office

Upon Roll Call....

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

Item No. 22B Motion by Councilman Jaworowicz Seconded by Councilman Kazukiewicz

WHEREAS, the Town currently maintains as a Town road a portion of Heather Road from Rosary Boulevard near the Kensington Expressway to Danbury Drive, and

WHEREAS, with the advent of the E-911 system, the current naming of the roadway is confusing with the other portion of Heather Road, and

WHEREAS, the Town Highway Superintendent and the Police Department have requested that such roadway be re-named, NOW, THEREFORE, BE IT

RESOLVED that that portion of Heather Road, from Rosary Boulevard near the Kensington Expressway to Danbury Drive be and hereby is re-named "Hope Avenue", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such street name changed:

Assessor
Planning Board
County Clerk
County Highway Department
U.S. Post Office
Mother of Divine Grace R.C. Church

Upon Roll Call....

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

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

WHEREAS, maps and other records maintained by the Town show that the town highway which runs north-south between Como Park Boulevard and Bennett Road, east of Homewood Avenue and west of Vita Avenue is known as both "Center Avenue" and "Center Street", and

WHEREAS, with the advent of the E-911 system and in order to clear up the Town's records, it is imperative that the Town specify the name to be used for the above referenced Town highway, NOW, THEREFORE, BE IT

RESOLVED that the above referenced Town highway which runs north-south between Como Park Boulevard and Bennett Road, east of Homewood Avenue and Vita Avenue, shall hereafter be known as "Center Avenue", and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such street name designation:

Item No. 23 Cont'd.

Assessor
Planning Board
County Clerk
County Highway Department
U.S. Post Office

Upon Roll Call....

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

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

WHEREAS, in order to assure the timely and accurate response of emergency vehicles to properties in the town, the Cheektowaga Police Department and Assessor's Office have recommended that the house addresses listed on the attached memo from Lt. John Howlett be changed to place them in the correct numerical sequence, and

WHEREAS, this Town Board agrees with the recommendations made by the Police Department and Assessor's Office, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the house numbers of those properties shown on the attached memo be and hereby are changed as therein stated, and ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such house number changes:

Assessor
Planning Board
County Clerk
County Highway Department
U.S. Post Office
Police Department

Upon Roll Call....

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

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

WHEREAS, Mount Calvary Cemetery, Inc. (the Cemetery) has constructed a new chapel building on its property located on the east side of Harlem Road, north of Genesee Street; which building, according to town and state building codes, must be provided with fire protection through the installation of a fire hydrant within 600 feet of its boundaries, and

WHEREAS, because cemetery land, and the chapel constructed thereon, is situate outside the incorporate boundaries of any existing fire district, the Cemetery has applied to the Erie County Water Authority for the installation of the necessary fire hydrant in the state right-of-way on the east side of Harlem Road approximately 600 feet north of Genesee Street, with the understanding that the Cemetery will pay both the installation charge and the yearly hydrant fee to the Authority in accordance with the Rules for the Sale of Water and the collection of Rents and Charges of the Authority as now on file at the Erie County Clerk's Office

NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board approves of the installation of a fire hydrant at the above described location within the public right-of-way on Harlem Road, with the stipulation that the annual hydrant fee be paid by Mount Calvary Cemetery, Inc.

Item No. 25 Cont'd.

Upon Roll Call....

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

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

WHEREAS, Bellevue Avenue is a town highway being 80 feet in width and maintained by the Town Highway Department, and

WHEREAS, according to records maintained by the Office of the Town Superintendent of Highways, Bellevue Avenue presently terminates 281.15+ feet east of the east line of Indian road, and

WHEREAS, according to records maintained in the Office of the Town Superintendent of Highways, that portion of Bellevue Avenue which existed east of the present terminus of Bellevue Avenue has not been traveled or used as a highway for more than six years, and

WHEREAS, according to Section 205 of the Highway Law of the State of New York, a Town highway that has not been traveled or used as a highway for six years shall cease to be a highway and shall be deemed abandoned as a right-of-way, and

WHEREAS, the Town Superintendent of Highways has recommended that that portion of Bellevue Avenue east of a point being 281.15+ feet east of Indian Road be abandoned as a Town road, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board hereby concurs with the aforementioned recommendation of the Town Superintendent of Highways, and ~~BE~~ IT FURTHER

RESOLVED that a portion of Bellevue Avenue, more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 2, Township 11 and Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point being on the north side of Bellevue Avenue (a 80.0 foot wide right-of-way) 70.35 feet east of the southeast corner of Sublot No. 85, as shown on Map filed in Erie County Clerk's Office under Cover No. 523; thence easterly along the north line of Bellevue Avenue a distance of 315+ feet to a point on the center line of Cayuga Creek, said point also being the east line of Lot No. 2; thence southerly along the center line of Cayuga Creek a distance of 80.0 feet to a point on the south line of Bellevue Avenue; thence westerly along the south line of Bellevue Avenue a distance of 318+ feet to a point; thence northerly a distance of 80.0 feet to the point or place of beginning.

be and hereby is abandoned as a Town highway as provided in Section 205 of the Highway Law of the State of New York and this town Board shall execute a written consent that the Town Superintendent of Highways file and cause to be recorded in the Town Clerk's Office of this Town, a written description signed by him and by this town Board of the highway so abandoned, and ~~BE~~ IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to record this resolution and the written consent of the Town Superintendent of Highways and this Town Board in the Erie County Clerk's Office.

*SEE NEXT PAGE FOR WRITTEN CONSENT OF TOWN BOARD

I, the undersigned Town Superintendent of Highways of the Town of Cheektowaga, in the County of Erie and State of New York, hereby certify that the certain town highway, hereinafter designated, has not been opened, or worked or used as a town highway at any time and particularly for more than six years last past and that the same has been abandoned by the public and is not used as a public highway, to wit: Bellevue Avenue extension, more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 2, Township 11 and Range 7 of the Holland Land Company's Survey, described as follows:

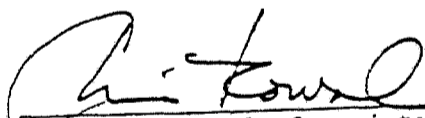
A portion of Bellevue Avenue (a 80.0 foot wide right-of-way) bounded and described as follows:

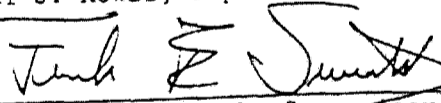
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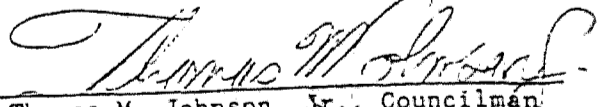
Also, we the undersigned, members of the Town Board of said Town, constituting the whole or a majority thereof, do hereby consent to the making and filing of this certificate and do hereby sign the same.

THEREFORE, pursuant to Section 205 of the Highway Law of New York, said highway is hereby declared to be and is hereby abandoned.

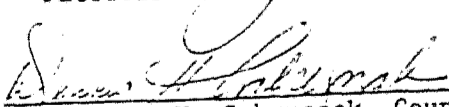
Dated: November 7, 1988

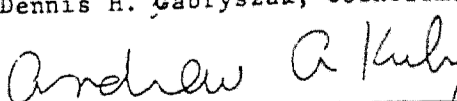

Christopher J. Kowal, Superintendent of Highways

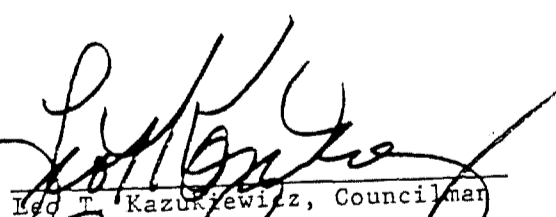

Frank E. Swiatek, Supervisor


Thomas M. Johnson, Jr., Councilman


Patricia A. Jaworowicz, Councilman


Dennis H. Gabryszak, Councilman


Andrew A. Kulyk, Councilman


Leo T. Kazurkewicz, Councilman


Richard B. Solecki, Councilman

4009949P014

Item No. 26 Cont'd.

Upon Roll Call....

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

Item No. 27 Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, this Town Board awarded the contract for Sanitary Sewer District No. 3 Sanitary Sewer System Rehabilitation, Contract No. 1, to Firsthyme Construction Corporation, Inc. for the bid price of \$1,053,958.00, and

WHEREAS, the project consultant, Nussbaumer & Clarke, Inc., has reviewed and recommended approval of Change Order No. 1 for the Sewer District No. 3 Rehabilitation Project, and

WHEREAS, the scope of work in Change Order No. 1 is described in a letter from the Town Engineer dated November 1, 1988, attached hereto and considered a part of this resolution, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 1 for the Sanitary Sewer District No. 3 Sanitary Sewer System Rehabilitation Project, Contract No. 1, in the amount of \$9,959.00 as an addition to the contract of Firsthyme Construction Corporation, 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.

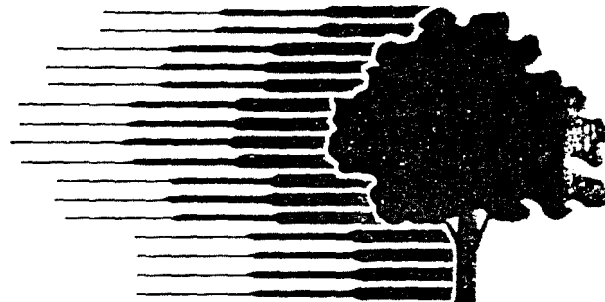
*SEE NEXT PAGE FOR COPY OF LETTER FROM TOWN ENGINEER

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

November 1, 1988

To Supervisor Frank E. Swiatek
And Honorable Town Board Members
Town Of Cheektowaga

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

RE: Change Order No. 1
Sanitary Sewer District No. 3
Sanitary Sewer Rehabilitation
Contract No. 1
C-36-1290-02

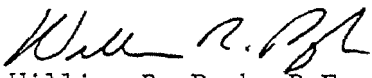
Gentlemen:

The consulting engineering firm of Nussbaumer & Clarke, Inc. has reviewed and recommended approval of Change Order No. 1 for the above referenced contract held by Firsthyme Construction Corporation, Inc. Change Order No. 1, in the amount of \$9,959.00, involves the excavation and replacement of 130 L.F. of 10" diameter sanitary sewer pipe in the Wagner Avenue easement, which pipe after root removal and internal video inspection performed under the contract, was determined to be unsuitable for test and seal rehabilitation methods originally required under the contract. The subject pipe section was found to be cracked four ways and egg shaped.

This particular pipe section from M.H. 13-A-56 to M.H. 13-A-55 was originally included under the "eligible" portion of the subject contract. Documentation of work performed under Change Order No. 1, upon Town Board approval, will be submitted to the New York State Department of Environmental Conservation for determination of eligibility for partial grant reimbursement which we believe to be "eligible".

Very truly yours,

TOWN OF CHEEKTOWAGA


William R. Pugh, P.E.
Assistant Town Engineer

WRP:dms

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 Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, Labor Day will be celebrated on Monday, September 4th in 1989, and

WHEREAS, traditionally, a Labor Day Parade is held in the Buffalo area in honor of the working men and women who have helped to build our country, and

WHEREAS, the Labor Day Parade in Western New York is coordinated by the United Auto Workers Union, and

WHEREAS, George Wessel, President of the AFL-CIO, has expressed a willingness to hold the 1989 Labor Day Parade in Cheektowaga in honor of Cheektowaga's Sesquicentennial, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board hereby grants permission for the 1989 Labor Day Parade to be held in the Town of Cheektowaga on September 4, 1989, and ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk be directed to forward a copy of this resolution to Mr. George Wessel, President of the AFL-CIO.

Upon Roll Call....

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

Item No. 29A Motion by Councilman Johnson Seconded by Councilman Jaworowicz

~~BE~~ IT RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to install two (2) 5200 lumen H.P.S. luminaires on Felber Lane on Poles No. 6-1 and 6-3 for an annual increase to the Town's General Lighting District of \$186.66, in accordance with the attached New York State Electric & Gas Corporation proposal dated November 3, 1988, which is hereby made a part of this resolution.

*SEE NEXT PAGE FOR PROPOSAL FROM NEW YORK STATE ELECTRIC AND GAS

NYSEG

November 3, 1988

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA

Felber Lane

Install 2-5200 lumen hps lamps @ \$93.33 ea. ----- \$ 186.66
(Poles 6-1,6-3, Line 2883)

TOTAL ANNUAL INCREASE --- \$ 186.66

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

Item No. 29A Cont'd.

Upon Roll Call....

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

Item No. 29B Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the developer of the Losson Meadows Subdivision has furnished and installed eleven (11) 5200 lumen H.P.S. post top luminaires, fiberglass standards and related conduit and conductors as required in conjunction with the development of Phase I of the subject subdivision, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to connect a total of eleven (11) 5200 H.P.S. post top luminaires within Phase I of the Losson Meadows Subdivision, on Cherrywood Drive and Baywood Drive in the Town of Cheektowaga, at an annual increase to the Town's General Lighting District of \$467.83, in accordance with the attached New York State Electric & Gas Corporation proposal dated November 1, 1988, which is hereby made a part of this resolution.

*SEE NEXT PAGE FOR PROPOSAL FROM NEW YORK STATE ELECTRIC AND GAS CORPORATION

NYSEG

November 1, 1988

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
LOSSON MEADOWS SUBDIVISION, PHASE I

Cherrywood Drive - 10
Baywood Drive - 1

Connect 11 - 5200 lumen post-top hps fixtures

Energy and bulb rate @ \$42.53 ea. ----- \$ 467.83

(see attached sketch)

ANNUAL INCREASE ---- \$ 467.83

Fixtures, 18-ft. standards and conductors supplied and installed by developer; to be owned and maintained by the Town of Cheektowaga

Connections, energy, photo electric eyes, and lamp replacements to be supplied and maintained by NYSEG.

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

Item No. 29B Cont'd.

Upon Roll Call....

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

Item No. 30 Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has received notification of an unsafe, abandoned structure at 830 Borden Road, Cheektowaga, New York, S.B.L. #114.20-9-12 that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessor's Office is owned by Borden-Losson Corporation, 38 Quincy, Lancaster, New York 14086, and

WHEREAS, this condition requires that immediate steps be taken to board over and secure all openings in this structure to protect the health and safety of others, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that all openings in this structure be boarded over and secured 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. 31 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)	\$ 2,500.00
	1910.4711	(Contingency)	10,000.00
	1910.4711	(Contingency)	5,000.00
TO:	1220.4001	(Office Supplies-Accounting)	2,500.00
	1430.4502	(Legal)	10,000.00
	1856.4291	(Shade Trees-Highway)	5,000.00

SPECIAL DISTRICT FUND

FROM:	25-8135.4453	(Building Repairs-Plant 5)	13,000.00
	25-8135.4431	(Equipment & Repairs-Plant 5)	15,000.00
	85-8160.4469	(Landfill-Sanitation)	1,000.00
TO:	25-8135.4547	(Sludge Removal-Plant 5)	13,000.00
	25-8135.4547	(Sludge Removal-Plant 5)	15,000.00
	85-8160.4431	(Equipment Repairs-Sanitation)	1,000.00

Upon Roll Call....

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

Item No. 32 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 November 7, 1988 are hereby approved and made a part hereof:

Item No. 32 Cont'd.

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$171,224.60
HIGHWAY FUND	78,624.46
CAPITAL FUND	540,854.07
TRUST & AGENCY FUND	15,407.46
HUD FUND	2,903.33
PART TOWN FUND	590.00
RISK RETENTION FUND	47,633.62
SPECIAL DISTRICT FUND	129,386.46
	<u>\$986,624.90</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 33 Building Permits
Received and filed.

Item No. 34 Cheektowaga Public Library Board: Minutes of September 1988 meeting.
Received and filed.

IV. GENERAL COMMUNICATIONS

Item No. 35A New York State Department of Transportation: Notice of Order:
Installation of signal at Walden Avenue at its intersection with
Access Drive 2 of Walden Galleria and easterly K-Mart driveway.
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary; Christopher Kowal, Highway
Superintendent; Cheektowaga Traffic Safety Commission; and Robert
Lis, Chief of Police.
Received and filed.

Item No. 35B New York State Department of Transportation: Notice of Order: No
Parking Any Time on west side of Route 277 in area of Carefree Lane.
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Robert Lis, Chief of Police; Karen McAuley, Council Secretary;
Christopher Kowal, Highway Superintendent; and Cheektowaga Traffic
Safety Commission.
Received and filed.

Item No. 35C New York State Department of Transportation: Notice of Order:
Establish stop control on Innsbruck Drive
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Robert Lis, Chief of Police; Karen McAuley, Council Secretary;
Christopher Kowal, Highway Superintendent; and Cheektowaga Traffic
Safety Commission.
Received and filed.

Item No. 35D New York State Department of Transportation: Notice of Order:
Installation of signal on Walden Avenue in conjunction with Galleria
Mall construction project.
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Robert Lis, Chief of Police; Karen McAuley, Council Secretary;
Christopher Kowal, Highway Superintendent; and Cheektowaga Traffic
Safety Commission.
Received and filed.

Item No. 35E New York State Department of Transportation: Notice of Order: Operation and Maintenance of Master Controller on Walden Avenue for traffic signal system in accordance with Galleria Mall project. Copies of this Notice were sent to: Frank E. Swiatek, Supervisor; Robert Lis, Chief of Police; Karen McAuley, Council Secretary; Christopher Kowal, Highway Superintendent; and Cheektowaga Traffic Safety Commission.
Received and filed.

Item No. 35F New York State Department of Transportation: Notice of Order: Authorize signal installation at Walden Avenue and Galleria Drive intersection. Copies of this Notice were sent to: Frank E. Swiatek, Supervisor; Karen McAuley, Council Secretary; Christopher Kowal, Highway Superintendent; and Cheektowaga Traffic Safety Commission.
Received and filed.

Item No. 36 Erie County Department of Public Works: Notification of maximum load limit for bridge on Rowley Road
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor; and Karen McAuley, Council Secretary
Received and filed.

Item No. 37 Niagara Frontier Transportation Authority: Negative Declaration for Acquisition of Property at 1127 Wehrle Drive Adjacent to Greater Buffalo International Airport.
Copies of the above were sent to: Frank E. Swiatek, Supervisor; Chester Bryan, Town Engineer; Cheektowaga Planning Board; and Ron Marten, Building Inspector.
Received and filed.

Item No. 38 Summons and Complaint: Davis A. & Patricia K. Stanley
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Laverack & Haines, Town's Insurance Carrier; and Ronald Marten, Building Inspector.
Received and filed.

Item No. 39 Notice of Claim: Robert Wozniak 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; Joseph J. Naples and Associates, Town's Insurance Carrier; Ron Zoeller, Foreman, Sanitation Department.
Received and filed.

Item No. 40 Michael A. Connors, Attorney: Request to speak on behalf of Fire Alarm Committee.
Received and filed.

* * * * *

Motion by Supervisor Swiatek Seconded by Councilman Solecki to suspend the rules to include the following two 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

* * * * *

Item No. 41 Offer to County of Erie for purchase of property on French Road for drainage purposes

Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the County of Erie is the owner of a piece of property located on the north side of French Road approximately 114.83 feet east of Brentwood Drive (Assessor's S.B.L. #125.11-1-19.1), and

WHEREAS, the County will be holding a public auction on November 16, 1988 to sell the and other County-owned properties, and

WHEREAS, the initial asking price for such property is \$500.00, and

WHEREAS, the Town Engineer has recommended that the Town purchase such property for drainage purposes, and

WHEREAS, the County has stated that it would sell such property to the Town for \$500.00 and pull such property from the County auction, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby offers to purchase the above-referenced property from the County of Erie for \$500.00, and BE IT FURTHER

RESOLVED that \$500.00 shall be appropriated from budget line item number 8540-4-0-4009-01 for the purchase of such property.

Upon Roll Call....

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

Item No. 42 Authorization for Town Engineer to hire firm regarding Walden Galleria Project.

Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the Pyramid Company of Buffalo is the developer of the Walden Galleria regional shopping center (the "Project"),

WHEREAS, in connection with the Project, the Pyramid Company of Buffalo proposes to structurally cross Scajaquada Creek and to enclose U-Crest Diversion Ditch where the Creek and the Ditch are present on the Project property (the "Proposals"), and

WHEREAS, the Proposals were discussed and reviewed during the SEQRA process for the construction of the Project, and

WHEREAS, this Town Board has previously employed the firm of Camp, Dresser & McKee to review the Project's stormwater management plan and other aspects of the Scajaquada Creek drainage basin independent of review by other governmental agencies, and has been satisfied with the performance of Camp, Dresser & McKee, and

WHEREAS, the Town Engineer has recommended that the Town retain Camp, Dresser & McKee to independently review the scope of the work involved in the Proposals, and

WHEREAS, the Pyramid Company of Buffalo has stated in the attached letter dated November 7, 1988 to the Town Engineer that it will reimburse the Town for all costs associated with the review of the Proposals by an independent consulting firm, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby authorizes the Town Engineer to employ the firm of Camp, Dresser & McKee to review the Proposals, with the cost of such review to be fully reimbursed to the Town by the Pyramid Company of Buffalo, and BE IT FURTHER

MEETING NO. 25
November 7, 1988

Item No. 42 Cont'd.

RESOLVED that the estimated revenues for such review are to be accounted for in Scajaquada/U/Crest Review account #01-2590 and the estimated expenditures are to be accounted for in Scajaquada/U-Crest Review account #01-1440-004-4595.

*SEE NEXT PAGE FOR LETTER FROM PYRAMID COMPANY OF BUFFALO

Development/Leasing Offices
Willow Creek Executive Centre
3729 Union Road
Cheektowaga, New York 14225

(716) 684-2750



PYRAMID COMPANY OF BUFFALO

Construction Field Offices
200 Postal Drive
Cheektowaga, New York 14225

(716) 684-2300

November 7, 1988

Chester L. Bryan, P.E.
Town Engineer
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14225

RE: Walden Galleria Project - Stormwater Management and Flood Control Plan
Proposal to Enclose U-Crest Ditch
Proposal to Cross Scajaquada Creek

Dear Chet:

Pyramid Company of Buffalo ("Pyramid") understands that the Town desires to hire an independent consultant to review Pyramid's proposed crossing of Scajaquada Creek and enclosure of U-Crest Ditch (the "Proposals"), as they affect the stormwater management and flood control plan for the Walden Galleria Project (the "Project").

As you know, the stormwater management and flood control plan was a key element of the mitigation measures proposed for the Project and discussed in the Final Environmental Impact Statement prepared according to SEQRA.

While we do not expect any adverse environmental impacts to arise as a result of the Proposals, we support the Town's hiring an independent consultant to assist in the review of the Proposals, so that the Town may confirm and confidently assert that no adverse environmental impacts result from the Proposals.

To this end, Pyramid agrees to fully reimburse the Town for the expense of independent engineering work required to review the Proposals.

Very truly yours,

PYRAMID COMPANY OF BUFFALO

A handwritten signature in black ink, appearing to read "Leslie Granger", is written over the typed name.

Leslie Granger, Partner

LG/dsd
cc: Ken Cannon
Bill Pugh

The Pyramid Companies, The Clinton Exchange, 4 Clinton Square, Syracuse, New York 13202 (315) 422-7000

MEETING NO. 25
November 7, 1988

Item No. 42 Cont'd.

Upon Roll Call....

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

Item No. 43 Motion by Councilman Kazukiewicz Seconded by Supervisor Swiatek to
adjourn the meeting.

Richard M. Moleski
Town Clerk

PUBLIC HEARINGS held at 6:30 P.M.

NO.

ITEM

- 1 Solicit comments from public regarding Walden Galleria Project
(Drainage Systems Ordinance)

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 26 November 21, 1988</u>	
2	BOND RESOLUTIONS:	
	a. Sanitary sewers for New Erie Industrial Park	1
	b. Street Improvements and storm sewers for New Erie Industrial Center	2

R E S O L U T I O N S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 26 November 21, 1988</u>		
3	Call for public hearing - Solicit comments from public regarding Walden Galleria Mall Project (Drainage Systems Ordinance)	3-5
4	DECISIONS:	
	a. Bond Resolution - Sanitary sewers for New Erie Industrial Park	6
	b. Bond Resolution - Street improvements and storm sewers for New Erie Industrial Park	7
	c. Local Law No. 3 of the Year 1988 entitled "A Local Law for Snowplowing"	8
	d. Subdivision Regulations	9
	e. Rezoning - 470 Cayuga Road	10
	f. Special Use Permit - 470 Cayuga Road	11
5	NOTICE TO BIDDERS:	
	a. Pool Maintenance Chemicals	12
	b. Athletic White Stripe	13
	c. Leasing and servicing of Portable Chemical Toilets	14
6	Appointment of Temporary Working Foreman in Facilities Dept.	15
7	Award of Bid - Regular, unleaded and Premium Unleaded Gasoline	15
8	Authorize Fire Inspectors to attend seminar	16
9	Direct Planning Board to review proposal of creation of new Zoning District - RR-Single Family District	16
10	Sale of two packer trucks to Town of Marilla	16
11	Change of house numbers on various streets in Town	16-17
12	Authorization for housing rehabilitation loan	17
13	CLEAN-UP OF PROPERTY LOCATED ON:	
	a. McParlin Avenue, Daniel Avenue and Harlem Road	17
	b. 1281 Walden Avenue	17-18
14	Establish petty cash funds for various departments	18
15	Transfer of Funds	19-20
16	Warrant List	20-21
<u>Meeting No. 27 December 5, 1988</u>		
2	Call for Public Hearing - amendment to Dog Ordinance	102
3	NOTICE TO BIDDERS:	
	a. Dimensional lumber and pressure treated lumber	3
	b. Custodial supplies	4
4	Termination of employees in Senior Services	5
5	Town Board support for N.Y.S. Mandate Reimbursement Act	5
6	Amend agreement regarding review of Storm Water Management Plan re: Walden Galleria Mall	5
7	AUTHORIZE SUPERVISOR TO SIGN:	
	a. Agreement for professional services relating to structural crossing of Scajaquada Creek and enclosing of U-Crest diversion ditch (Walden Galleria Mall construction)	5
	b. Agreement with Supportive Services Corp.	5-6
8	Change name of street from Hope Avenue to Old Maryvale Drive	6
9	APPROVAL OF:	
	a. Loan regarding Cheektwoaga Economic Development Corp.	6-7
	b. Ambulance License	7-8
10	Accept drainage easement at 21 Strasmer Road	8-9
11	Affirm recommendations of Environmental Advisory Committee regarding certain properties	9-10
12	Authorize N.Y.S.E.G. to connect (13) luminaires in Phase 8, Losson Green Estates Subdivision, on Hillpine Road	10-11

RESOLUTIONS cont'd

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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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 21st day of November, 1988 at 7:00 o'clock P.M., Eastern Standard 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; Chester Bryan, Town Engineer; Christopher Kowal, Highway Superintendent; Robert Lis, Chief of Police; Ron Marten, Building Inspector; Jerry Bauer, Part-time Zoning Enforcement Officer; Ralph Majchrowicz, Director of Administration and Finance; Don Wegner, Chairman of Zoning Board of Appeals; Pat Staniszak, Youth Bureau; Casey Kozminski, Town Assessor; Jackie Blachowski; Michael Stachowski, Attorney.

I. PUBLIC HEARINGS

Item No. 2a Bond Resolution - Sanitary Sewers for New Erie Industrial Park

* See next three (3) pages for public hearing.

EXTRACT OF MINUTES

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

November 21, 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 November 21, 1988 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor, and

Councilpersons: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent: *None*

Also present: Richard M. Moleski, Town Clerk
James J. 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, Cheektowaga, New York, in said Town, at 7:00 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board praying for the construction of lateral sewers in and along that 1,270 feet long portion of the street, highway, easement or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in Sewer District No. 3, in the Town. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the public hearing was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed lateral sewers: Carl V. Petronio

The following persons appeared in opposition to the proposed lateral sewers: None

The Town Clerk reported that the following pertinent written communications had been received: None

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.

* * *

Item NO. 2b

Bond Resolution - Street Improvements and Storm Sewers for New Erie Industrial Park

* See next three (3) pages for public hearing

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,
in the County of Erie,
New York
November 21, 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 November 21, 1988 at 7:00 o'clock .M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor, and

Councilpersons: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent: None

Also present: Richard M. Moleski, Town Clerk
James J. 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, Cheektowaga, New York, in said Town, at 7:00 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board praying for the improvement of that portion of the street, highway, private road, right of way or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in the Town, and on which it is proposed to construct or cause to be constructed a street improvement, consisting of new roadway approximately 1,270 feet long and 30 feet wide with flexible pavement, sidewalks, curbs, gutters, culverts and other necessary improvements according to the Town of Cheektowaga specifications. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the public hearing was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed improvement: Carl V. Petranic

The following persons appeared in opposition to the proposed improvement:

None

The Town Clerk reported that the following pertinent written communications had been received:

None

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.

* * *

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Pyramid Company of Buffalo in conjunction with the construction of the Walden Galleria, has applied to the Town of Cheektowaga for approval of a proposed structural spanning of the Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch ("the Proposed Action"), through the project development site adjacent to the northeast quadrant of I-90, Interchange 52, and

WHEREAS, the Town Board and the Town Engineer have received applications for approval of the Proposed Action pursuant to Chapter 21A of the Town Code, and

WHEREAS, the New York State Department of Environmental Conservation has consented to the Town acting as lead agency for this Proposed Action, and

WHEREAS, there is need for obtaining consulting engineering services to assist the Town in its review of the Proposed Action, and

WHEREAS, the Town Engineer has employed Camp Dresser & McKee for such review, and

WHEREAS, Section 21A-5 of the code of the Town of Cheektowaga (Drainage Systems Ordinance) provides that no owner, subdivider, developer or other person shall erect structures upon, contain in pipes or conduits or alter the banks and alignment or cause encroachment by placement of fill upon the stream bed or banks of any creek, ditch, waterway or watercourse except by Town Board approval and subject to a public hearing, and

WHEREAS, the Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer wherein the Proposed Action is explained, and

WHEREAS, such Proposed Action by the Pyramid Company of Buffalo falls within the public hearing mandate of the Drainage Systems Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga hereby declares that it will continue to serve as the lead agency concerning the environmental review of the Proposed Action, and BE IT FURTHER

RESOLVED that a public hearing be held on the 5th day of December, 1988 at 7:00 P.M. at a regularly scheduled meeting of the Town Board of the Town of Cheektowaga at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 for the purpose of soliciting comments from the public regarding the proposed action, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Times on November 24, 1988.

* * * * *

NOTICE OF HEARING

ON

DRAINAGE SYSTEMS ORDINANCE

THIS NOTICE is issued pursuant to Section 21A-5 of the Town of Cheektowaga Code.

The Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer for the Town of Cheektowaga pursuant to Article 21A of the Town Code. Pyramid proposes to construct on its property, a structural span across a portion of the Scajaquada Creek and a multi-plate arch enclosure of a portion of the

Item No. 3 cont'd

U-Crest Diversion Ditch east of the New York State Thruway and west of Union Road. A public hearing on the construction of the structural span and multi-plate arch enclosure and any related activity involving construction on the bed or the banks of the Scajaquada Creek and the U-Crest Diversion Ditch will be held on December 5, 1988 at 7:00 P.M. at a regularly scheduled meeting of the Town Board of the Town of Cheektowaga at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

The purpose of the hearing is to solicit comments from the public regarding the construction of the structural span and multi-plate arch enclosure and related activity involving the alteration of the bed or banks of the Scajaquada Creek and U-Crest Diversion Ditch. The plans and specifications for the construction have been submitted to the Town Engineer and are available for public review during regular office hours.

Cheektowaga, New York

Dated: November 21, 1988

RICHARD M. MOLESKI
Town Clerk

* * * * *

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

* * * * *

Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Pyramid Company of Buffalo in conjunction with the construction of the Walden Galleria, has applied to the Town of Cheektowaga for approval of a proposed structural spanning of the Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch ("the Proposed Action"), through the project development site adjacent to the northeast quadrant of I-90, Interchange 52, and

WHEREAS, the Town Board and the Town Engineer have received applications for approval of the Proposed Action pursuant to Chapter 21A of the Town Code, and

WHEREAS, the New York State Department of Environmental Conservation has consented to the Town acting as lead agency for this Proposed Action, and

WHEREAS, there is need for obtaining consulting engineering services to assist the Town in its review of the Proposed Action, and

WHEREAS, the Town Engineer has employed Camp Dresser & McKee for such review, and

WHEREAS, Section 21A-5 of the code of the Town of Cheektowaga (Drainage Systems Ordinance) provides that no owner, subdivider, developer or other person shall erect structures upon, contain in pipes or conduits or alter the banks and alignment or cause encroachment by placement of fill upon the stream bed or banks of any creek, ditch, waterway or watercourse except by Town Board approval and subject to a public hearing, and

Item No. 3 cont'd

WHEREAS, the Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer wherein the Proposed Action is explained, and

WHEREAS, such Proposed Action by the Pyramid Company of Buffalo falls within the public hearing mandate of the Drainage Systems Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga hereby declares that it will continue to serve as the lead agency concerning the environmental review of the Proposed Action, and BE IT FURTHER

RESOLVED that a public hearing be held on the 5th day of December, 1988 at 6:30 P.M. at a regularly scheduled meeting of the Town Board of the Town of Cheektowaga at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 for the purpose of soliciting comments from the public regarding the proposed action, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Times on November 24, 1988.

* * * * *

NOTICE OF HEARING

ON

DRAINAGE SYSTEMS ORDINANCE

THIS NOTICE is issued pursuant to Section 21A-5 of the Town of Cheektowaga Code.

The Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer for the Town of Cheektowaga pursuant to Article 21A of the Town Code. Pyramid proposes to construct on its property, a structural span across a portion of the Scajaquada Creek and a multi-plate arch enclosure of a portion of the U-Crest Diversion Ditch east of the New York State Thruway and west of Union Road. A public hearing on the construction of the structural span and multi-plate arch enclosure and any related activity involving construction on the bed or the banks of the Scajaquada Creek and the U-Crest Diversion Ditch will be held on December 5, 1988 at 6:30 P.M. at a regularly scheduled meeting of the Town Board of the Town of Cheektowaga at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

The purpose of the hearing is to solicit comments from the public regarding the construction of the structural span and multi-plate arch enclosure and related activity involving the alteration of the bed or banks of the Scajaquada Creek and U-Crest Division Ditch. The plans and specifications for the construction have been submitted to the Town Engineer and are available for public review during regular office hours.

Cheektowaga, New York

Dated: November 21, 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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{23rd}.....

day of*November*....., 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

**NOTICE OF HEARING
TOWN BOARD
TOWN OF CHEEKTOWAGA
NOTICE OF DRAINAGE SYSTEMS ORDINANCE PUBLIC
HEARING**

Address:
Broadway and Union Road
Cheektowaga, New York 14227
Dated: November 21, 1988

This notice is issued pursuant to Section 21A-5 of the Town of Cheektowaga Code.

The Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer for the Town of Cheektowaga pursuant to Article 21A of the Town Code. Pyramid proposes to construct, on its property, a structural span across a portion of the Scajaquada Creek and a multi-plate arch enclosure of a portion of the U-Crest Diversion Ditch east of the New York State Thruway and west of Union Road. A public hearing on the construction of the structural span and multi-plate arch enclosure and any related activity involving construction on the bed or the banks of the Scajaquada Creek and the U-Crest Diversion Ditch will be held on December 5, 1988 at 6:30 p.m. at a regularly scheduled meeting of the Town Board of the Town of Cheektowaga at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

The purpose of the hearing is to solicit comments from the public regarding the construction of the structural span and multi-plate arch enclosure and related activity involving the alteration of the bed or banks of the Scajaquada Creek and the U-Crest Diversion Ditch. The plans and specifications for the construction have been submitted to the Town Engineer and are available for public review during regular office hours.

MEETING NO. 26
November 21, 1988

Item No.4a

Decision on Bond Resolution - Sanitary sewers for New Erie Industrial
Park

* See next fifteen (15) pages for resolution.

EXTRACT OF MINUTES

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

November 21, 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 November 21, 1988 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor, and

Councilpersons: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent: *None*

Also present: Richard M. Moleski, Town Clerk
James J. 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, Cheektowaga, New York, in said Town, at 7:00 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board praying for the construction of lateral sewers in and along that 1,270 feet long portion of the street, highway, easement or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in Sewer District No. 3, in the Town. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the public hearing was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed lateral sewers:

Carl V. Petronio

The following persons appeared in opposition to the proposed lateral sewers:

None

The Town Clerk reported that the following pertinent written communications had been received:

None

On motion of Councilman Johnson , seconded by
Supervisor Swiatek , the following resolution and order was
adopted on roll call vote:

AYES: Supervisor Swiatek, Councilman Johnson, Councilman Jaworowicz,
Councilman Gabryszak, Councilman Kulyk, Councilman Kazukiewicz,
Councilman Solecki.

NOES: None

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

Section 1. It is hereby determined that

(a) the notice of the public hearing hereinabove referred to in the recital hereof was published, posted and is otherwise sufficient;

(b) that it is in the public interest to construct said lateral sewers in Sewer District No. 3, in the Town, as hereinabove referred to;

(c) that all the real property fronting or abutting upon both sides of the proposed lateral sewers, being the area benefited by the improvement is benefited thereby.

Section 2. The proposed lateral sewers shall be constructed in accordance with the Town specifications, at a cost not to exceed \$50,000, the maximum amount proposed to be expended therefor as stated herein.

Section 3. Chester L. Bryan, P.E., Town Engineer, an engineer duly licensed by the State of New York, is hereby directed to prepare definite plans and specifications and make a careful estimate of the expense of such improvement, and with the assistance of the Town Attorney, prepare a 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.

Section 4. It is hereby determined that the expense of said sewer improvement shall be apportioned and assessed upon and collected from the several lots and parcels of land which the

Town Board shall determine and specify to be especially benefited thereby so much upon and from each as shall be in just proportion to the amount of benefit which the sewer improvement shall confer upon the same.

Section 5. 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: Supervisor Swiatek, Councilman Johnson, Councilman Jaworowicz,
Councilman Gabryszak, Councilman Kulyk, Councilman Kazukiewicz,
Councilman Solecki.

NOES: None

The resolution was declared adopted.

Councilman Johnson offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED NOVEMBER 21, 1988,
AUTHORIZING THE CONSTRUCTION OF LATERAL
SEWERS, IN SEWER DISTRICT NO. 3, IN SAID TOWN,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$50,000, APPROPRIATING SAID AMOUNT THEREFOR,
AND AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

Recital

WHEREAS, following submission of a petition pursuant to Section 199 of the Town Law and after a public hearing duly called and held to consider the construction of later sewers in Sewer District No. 3, in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, at an estimated maximum cost of \$50,000, the Town Board of the Town (herein called "Town Board"), determined pursuant to resolution duly adopted on November 21, 1988, that the notice of such hearing was published and posted as required by law and is otherwise sufficient, and that it is in the public interest to make the sewer improvement pursuant to the definite plans, specifications and estimate of cost prepared by the Town Engineer; and

WHEREAS, on November 21, 1988, the Town Board determined that it is in the public interest to make said sewer improvement, that the cost of said sewer improvement will be an amount not to exceed \$50,000; and it is now deemed advisable to provide for financing said improvement by the issuance of serial bonds, or

bond anticipation notes issued in anticipation thereof, in the amount of not to exceed \$50,000;

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 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 lateral sewers in or along that 1,270 feet long portion of the street, highway, easement or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in Sewer District No. 3, in said Town, including 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 \$50,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited by said sewer improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the sewer improvement shall confer upon the same, 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 \$50,000, 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 said appropriation.

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

(a) The period of probable usefulness of said object or purpose for which said \$50,000 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 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. 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 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 of the Town, 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 the Town of Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

*

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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: Supervisor Swiatek, Councilman Johnson, Councilman
Jaworowicz, Councilman Gabryszak, Councilman Kulyk,
Councilman Kazukiewicz, Councilman Solecki.

NOES: None

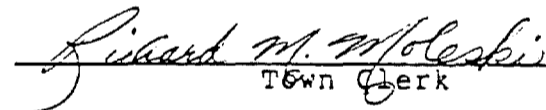
The resolution was declared adopted.

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 November 21, 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 21st day of November, 1988.

(SEAL)


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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

.....
Amy C. Meyers.....

Sworn to before me this 23rd

day of November, 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

Town Board of the Town (herein called "Town Board"), determined pursuant to resolution duly adopted on November 21, 1988, that the notice of such hearing was published and posted as required by law and is otherwise sufficient, and that it is in the public interest to make the sewer improvement pursuant to the definite plans, specifications and estimate of cost prepared by the Town Engineer; and

WHEREAS, on November 21, 1988, the Town Board determined that it is in the public interest to make said sewer improvement, that the cost of said sewer improvement will be an amount not to exceed \$50,000; and it is now deemed advisable to provide for financing said improvement by the issuance of serial bonds, or bond anticipation notes issued in anticipation thereof, in the amount of not to exceed \$50,000;

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 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 lateral sewers in or along that 1,270 feet long portion of the street, highway, easement or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in Sewer District No. 3, in said Town, including 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 \$50,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited by said street construction, 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 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 \$50,000, 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 said appropriation.

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

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 21st day of November, 1988, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the 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 NOVEMBER 21, 1988, AUTHORIZING THE CONSTRUCTION OF LATERAL SEWERS, IN SEWER DISTRICT NO. 3, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital
WHEREAS, following submission of a petition pursuant to Section 199 of the Town Law and after a public hearing duly called and held to consider the construction of later sewers in Sewer District No. 3, in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, at an estimated maximum cost of \$50,000, 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,

(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 of the Town, 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 the Town of 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 Supervisor Swiatek and duly put to a vote on roll call, which resulted as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

PUBLISH: November 23, 1988

(a) The period of the probable usefulness of said specific object or purpose for which said \$50,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, if forty (40) 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. 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 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 provision 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

MEETING NO. 26
November 21, 1988

Item No.4b

Decision on Bond Resolution - Street improvements and storm sewers
for New Erie Industrial Park

* See next fifteen (15) pages for resolution

EXTRACT OF MINUTES

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

November 21, 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, on November 21, 1988 at 7:00 o'clock .M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor, and

Councilpersons: Thomas M. Johnson, Jr.
Patricia A. Jaworowicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent: None

Also present: Richard M. Moleski, Town Clerk
James J. 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, Cheektowaga, New York, in said Town, at 7:00 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board praying for the improvement of that portion of the street, highway, private road, right of way or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in the Town, and on which it is proposed to construct or cause to be constructed a street improvement, consisting of new roadway approximately 1,270 feet long and 30 feet wide with flexible pavement, sidewalks, curbs, gutters, culverts and other necessary improvements according to the Town of Cheektowaga specifications. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the public hearing was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed improvement: Carl V. Petronic

The following persons appeared in opposition to the proposed improvement:

None

The Town Clerk reported that the following pertinent written communications had been received:

None

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, seconded by
Supervisor Swiatek, the following resolution and order was
adopted on roll call vote:

AYES: Supervisor Swiatek, Councilman Johnson, Councilman Jaworowicz,
Councilman Gabryszak, Councilman Kulyk, Councilman Kazukiewicz,
Councilman Solecki.

NOES: None

RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED
NOVEMBER 21, 1988, APPROVING THE CONSTRUCTION OF A
STREET IMPROVEMENT, IN SAID TOWN, AT AN ESTIMATED
MAXIMUM COST OF \$370,000.

Recital

WHEREAS, after submission of a petition pursuant to
Section 200 of the Town Law by the property owners requesting
that the Town Board of the Town of Cheektowaga (herein called
"Town Board" and "Town", respectively), in the County of Erie,
New York, construct a street improvement on that portion of the
street, highway, private road, right of way or portion thereof
which intersects the south side of Broadway Avenue between Harlem
Road and Wallace Avenue, in said Town, including other necessary
improvements in connection therewith, the Town Board determined
the estimated maximum cost of the improvements proposed, as
stated in the petition, to be \$370,000, and set a date for a
public hearing to consider the proposed improvements; and

WHEREAS, notice of said public hearing was duly
published and posted pursuant to the provisions of Article 12 of
the Town Law; and

WHEREAS, said public hearing was duly held on November
21, 1988, at the Town Hall, in the Town, at 7:00 o'clock P.M.
(Prevailing Time) to consider the proposed improvement, and all
persons interested in the subject thereof were given an
opportunity to be heard on the matter;
Now, therefore, be it

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

Section 1. It is hereby determined that

(a) the notice of the public hearing hereinabove referred to in the recital hereof was published, posted and is otherwise sufficient;

(b) that it is in the public interest to so improve said street, highway, private road, right of way, or portion thereof, in the Town, as hereinabove referred to;

(c) that all the real property fronting or abutting upon both sides of the proposed street, highway, private road, right of way, or portion thereof being the area benefited by the improvement is benefited thereby.

Section 2. The proposed street, highway, private road, right of way, or portion thereof shall be paved and otherwise improved as stated in said petition in accordance with the Town specifications, at a cost not to exceed \$370,000, the maximum amount proposed to be expended therefor as stated herein.

Section 3. Chester L. Bryan, P.E., Town Engineer, an engineer duly licensed by the State of New York, is hereby directed to prepare definite plans and specifications and make a careful estimate of the expense of such improvement, and with the assistance of James J. Kirisits, Esq., prepare a 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.

Section 4. Nussbaumer & Clarke, licensed surveyors, are hereby directed to survey said street, highway, private road, right of way, or portion thereof and establish the lines and grades thereof and file such survey and profile of the grade in the office of the Town Clerk prior to any improvement of said street, highway, private road, right of way, or portion thereof.

Section 5. If it is necessary to dedicate said proposed street, the Town Superintendent of Highways is hereby authorized and directed to take and complete condemnation proceedings pursuant to the applicable provisions of law, or accept the offer to dedicate said street, highway, private road, right of way, or portion thereof to the Town.

Section 6. It is hereby determined that the expense of said improvement shall be apportioned and assessed upon and collected from the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited thereby 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. After such improvement is constructed it shall be maintained as a public highway under the applicable provisions of law and not as a charge against such real property.

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: Supervisor Swiatek, Councilman Johnson, Councilman Jaworowicz,
Councilman Gabryszak, Councilman Kulyk, Councilman Kazukiewicz,
Councilman Solecki.

NOES: None

The resolution was declared adopted.

Councilman Johnson offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED NOVEMBER 21, 1988,
AUTHORIZING THE CONSTRUCTION OF A STREET
IMPROVEMENT, IN SAID TOWN, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$370,000,
APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$370,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

Recital

WHEREAS, following submission of a petition pursuant to Section 200 of the Town Law and after a public hearing duly called and held to consider the construction of a street improvement in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, at an estimated maximum cost of \$370,000, the Town Board of the Town (herein called "Town Board"), determined pursuant to resolution duly adopted on November 21, 1988, that the notice of such hearing was published and posted as required by law and is otherwise sufficient, and that it is in the public interest to construct the improvement pursuant to the definite plans, specifications and estimate of cost prepared by the Town Engineer; and

WHEREAS, on November 21, 1988, the Town Board determined that it is in the public interest to make said improvement, that the cost of said improvement will be an amount not to exceed \$370,000; and it is now deemed advisable to provide for financing said improvement by the issuance of serial bonds, or bond

anticipation notes issued in anticipation thereof, in the amount of not to exceed \$370,000;

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 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 street improvement, consisting of new roadway approximately 1,270 feet long and 30 feet wide using flexible pavement with penetration macadam or plant mix bottom course and heavy duty bituminous concrete wearing surface on and along that portion of the street, highway, private road, right of way or portion thereof which intersects the south side of Broadway Avenue between Harlem Road and Wallace Avenue, in said Town, including sidewalks, curbs, gutters, culverts, drainage, landscaping or improving the rights of way and other necessary improvements in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$370,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$370,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited by said street construction, 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 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 \$370,000, 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 said appropriation.

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 \$370,000 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 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. 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 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 of the Town, 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 the Town of Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

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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: Supervisor Swiatek, Councilman Johnson, Councilman
Jaworowicz, Councilman Gabryszak, Councilman Kulyk,
Councilman Kazukiewicz, Councilman Solecki.

NOES: None

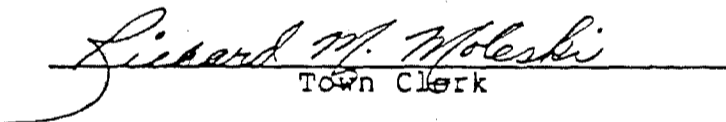
The resolution was declared adopted.

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 November 21, 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 21st day of November, 1988.

(SEAL)


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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *23rd*.....

day of *November*....., 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 21st day of November, 1988, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the 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 NOVEMBER 21, 1988, AUTHORIZING THE CONSTRUCTION OF A STREET IMPROVEMENT, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$370,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$370,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following submission of a petition pursuant to Section 200 of the Town Law and after a public hearing duly called and held to consider the construction of a street improvement in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, at an estimated maximum cost of \$370,000, the Town Board of the Town (herein called "Town Board"), determined pursuant to resolution duly adopted on November 21, 1988, that the notice of such hearing was published and posted as required by law and is otherwise sufficient, and that it is in the public interest to construct the improvement pursuant to the definite plans, specifications and estimate of cost prepared by the Town Engineer; and

WHEREAS, on November 21, 1988 the Town Board determined that it is in the public interest to make said improvement, that the cost of said improvement will be an amount not to exceed \$370,000; and it is now deemed advisable to provide for financing said improvement by the issuance of serial bonds, or bond anticipation notes issued in anticipation thereof, in the amount of not to exceed \$370,000;

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 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 street improvement, consisting of new roadway approximately 1,270 feet long and 30 feet wide using flexible pavement with penetration macadam or plant mix bottom course and heavy duty bituminous concrete wearing surface on and along that portion of the street, highway, private road, right of way or portion thereof which intersects the south side of Broadway Avenue between Harlem and Wallace Avenue, in said Town, including sidewalks, curbs, gutters, culverts, drainage, landscaping or improving the rights of way and other necessary improvements in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$370,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$370,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited by said street construction, 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 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 \$370,000, 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 said appropriation.

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

(a) The period of the probable usefulness of said specific object or purpose for which said \$370,000 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 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. 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 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 provision 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,

(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 of the Town, 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 the Town of 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 Supervisor Swiatek and duly put to a vote on roll call, which resulted as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

PUBLISH: November 23, 1988

Item No.4c Motion by Supervisor Swiatek, seconded by Councilman Gabryszak

WHEREAS, during the winter months, snowplow operators remove snow from various private properties and utilize public streets for their operations, and

WHEREAS, occasionally, such snowplow operations interfere with the use of the highways by the public, and

WHEREAS, the Town Superintendent of Highways has recommended that the Town enact a local law to oversee and control private snowplow operators in the Town, and

WHEREAS, a public hearing on a proposed Local Law No. 3 of the Year 1988 entitled "A Local Law for Snowplowing" was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 7th day of November, 1988 at 7:00 o'clock P.M.; 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. 3 of the Year 1988 entitled "A Local Law for Snowplowing", NOW, THEREFORE, BE IT

RESOLVED that the attached Local Law No. 3 of the Year 1988 entitled "A Local Law for Snowplowing" be and hereby is 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) 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 six (6) pages for Local Law No. 3

Upon Roll Call....

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

CHAPTER 61

SNOWPLOWING

Section 61-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

VEHICLE - any vehicle, as defined in the Vehicle and Traffic Law of the State of New York, licensed to operate on the highways of the State of New York and used to plow snow; but the term shall not include a vehicle used solely by a person, firm or corporation to plow snow within the confines of his or its own property, whether owned or leased.

Section 61-2. Permit Required.

No person, firm or corporation shall plow snow or cause or allow snow to be plowed by the use of any vehicle within the Town of Cheektowaga, outside of the Villages of Depew and Sloan, unless a permit therefor, as hereinafter prescribed, issued by the Town Clerk is in full force and effect. Such permit shall be prominently displayed by affixing it to the driver's side window of the vehicle as forward as possible so as to be readily visible from the exterior thereof.

Section 61-3. Application Procedure/Fees.

A. Application for such permit shall be made to the Town Clerk by the owner of the vehicle, in writing, upon forms to be furnished by said Town Clerk. Such forms shall contain:

- (1) the owner's name and address;
- (2) the vehicle identification number;
- (3) the New York State license number; and
- (4) such additional information as the Town Clerk shall require.

The Town Clerk may require such documents and information as may be reasonably necessary to verify the facts stated on such application.

- B. The applicant shall, at the time of the filing of his application, pay a permit fee of twenty-five dollars (\$25.00) for each vehicle.
- C. The applicant shall, at the time of the filing of his application, provide a certificate of insurance showing that the applicant has personal automobile insurance covering property damage and bodily injury. The certificate of insurance shall indicate that notice of cancellation be given to the Town of Cheektowaga at least thirty (30) days prior to such cancellation.
- D. Such permit shall commence on October 1st and expire on April 30th of the following year and shall be in such form as the Town Clerk shall prescribe.

Section 61-3. Application Procedure/Fees. (cont')

- E. Such permit shall not be transferable to another owner and the permit fee shall not be pro-rated during the term of the permit.
- F. The permit holder shall sign a permit application indicating that he agrees to hold the Town of Cheektowaga, its agents, servants and employees harmless from any and all damages and/or causes of action which may arise out of his snowplowing operations within the town.
- G. In the event the Town Clerk refuses to issue a permit hereunder, the applicant shall have the right to appeal such refusal to the Town Board.

Section 61-4. Regulation of Snow Removal.

- A. No person shall plow, shovel, sweep or pile snow, ice or other such materials in or beyond the right-of-way of any street or public highway or cause such to be done so as to interfere with the safety and convenience or public travel, or such as to constitute an obstruction of the sight of persons traveling by vehicle or by foot on public streets or sidewalks or on private driveways.
- B. No person shall plow, shovel or pile snow from a private or public driveway in such a manner as to deposit same in the public roadway or on a public sidewalk or across the street from said driveway.

Section 61-5. Enforcement.

This chapter shall be enforced by the members of the Cheektowaga Police Department and the Superintendent of Highways of the Town of Cheektowaga.

Section 61-6. Penalties for Offenses.

- A. The Town Board may, following a hearing before such Town Board, with regard to violation of any of the terms and conditions of this chapter, revoke or suspend the permit or permits granted to any person, firm or corporation under the authority of this chapter or any law, ordinance, rule or regulation relating to snowplowing or snow removal.
- B. In addition to any other penalties that may be involved under this chapter, any violation by a person, firm or corporation of any provision of this chapter shall be deemed an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or both.
- C. Any person who takes part in or assists in any violation of this chapter shall be subject to the penalties provided herein.

Section 61-7. Procedures for Hearings.

- A. Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Town Board.
- B. The Town Clerk shall give notice of any hearing to be held hereunder, stating the name and address, the applicant/permit holder, the subject matter of the hearing, and the date, place and hour designated therefor, by mailing a copy of such notice to the applicant/permit holder at the address shown on the application for permit at least ten (10) days prior to the date of such hearing.
- C. The applicant/permit holder shall be entitled to be represented by legal counsel and to present such evidence as may be relevant at any hearing held on the denial, suspension or revocation of any permit.

Section 61-8. Severability.

If any article, section, subdivision, paragraph or provision of this chapter is adjudged to be invalid, such adjudication shall apply only to such portion thereof so expressly adjudged invalid, and the remainder of this chapter shall be deemed to be in all respects valid and effective.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 19 88 of the ~~County~~ City of Cheektowaga was duly passed by the Town Board on November 21, 19 88 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the ~~County~~ City of was duly passed by the on 19..... and was approved ~~not disapproved~~ by the and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the ~~County~~ City of was duly passed by the on 19..... and was approved ~~not disapproved~~ by the on 19..... Such local law was submitted to the people by reason of a mandatory ~~permissive~~ referendum, and received the affirmative vote of a majority of the qualified electors voting ~~permissive~~ general thereon at the ~~special~~ annual election held on 19....., in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the ~~County~~ City of was duly passed by the on 19..... and was approved ~~not disapproved~~ by the on 19..... Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

No. 27

5. ~~(City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19..... became operative.~~

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph1..... above.

Richard M. Moleski
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 21, 1988

Richard M. Moleski
Town Clerk

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OFERIE.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James J. Kusita
Signature
..... Town Attorney
Title

Date: November 21, 1988

County
City of Cheektowaga
Town
Village

Item No. 4d Motion by Councilman Kulyk, Seconded by Councilman Johnson

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, in accordance with the Town Law of the State of New York, a public hearing on a proposed Subdivision Regulation was held on the 19th day of September, 1988 at 7:00 o'clock at a meeting at the Town Hall; at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to adopt the Subdivision Regulation as set forth below, NOW, THEREFORE, BE IT

RESOLVED that the following Subdivision Regulation of the Town of Cheektowaga, New York be and hereby is adopted:

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.

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 November 21, 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 Subdivision Regulation of the Town of Cheektowaga shall take effect ten (10) days after such publication, but said regulation shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry 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..... DEC 01 1988 ;
last publication..... DEC 01 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{1st}.....

day of *December*, 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

at a meeting of the Town Board at the Cheektowaga Town Hall; at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to adopt the Subdivision Regulation as set forth below, NOW, THEREFORE, BE IT

RESOLVED, that the following Subdivision Regulation of the Town of Cheektowaga, New York be and hereby is adopted:

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.

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 November 21, 1988; and that a certified copy 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.

The aforementioned Subdivision Regulation of the Town of Cheektowaga shall take effect ten (10) days after such publication, but said regulation shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry 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

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFIED 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 November 21, 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 meeting 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 21st day of November, 1988.

RICHARD M. MOLESKI
Town Clerk
PUBLISH: December 1, 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 21st day of November, 1988 at 7:00 o'clock p.m. Eastern Standard 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, 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, in accordance with the Town Law of the State of New York, a public hearing on a proposed Subdivision Regulation was held on the 19th day of September, 1988 at 7:00 o'clock

MEETING NO. 26
November 21, 1988

Item No. 4e Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, S & W Associates has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by Brondy Real Estate and located at 470 Cayuga 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 7th day of November, 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 subject to the following conditions:

1. No major repair, collision or painting be allowed; and
2. Only minor repairs will be allowed to be done on the vehicles that are sold on the property

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 considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment provided:

1. the driveway width is increased to 25 feet or greater; and
2. the developer work closely with the Town Engineering Department to establish proper drainage for the site.

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 S & W Associates for the rezoning from C-Retail Business District to CM-General Commercial 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 description

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

and assigns forever, 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. 14, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point on the west side of Cayuga Road, as a sixty-six (66) foot highway, at a distance as measured along the westerly line of Cayuga Road of three hundred eighty-eight (388) feet northerly from the intersection of the north line extended of the property shown under Map Cover No. 1328 filed in the Office of the Erie County Clerk and the westerly side of Cayuga Road, as a sixty-six (66) foot highway; thence westerly at right angles to the west line of Cayuga Road, as a sixty-six (66) foot highway, a distance of two hundred (200) feet; thence northerly parallel with Cayuga Road, a distance of two hundred twelve (212) feet; thence easterly two hundred (200) feet to the west line of Cayuga Road, as sixty-six (66) foot highway; thence southerly along the west line of Cayuga Road to the point or place of beginning. Subject to covenants easements and restrictions of record.

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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 23rd.....

day of November....., 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 21st day of November, 1988 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworwicz

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, S & W Associates has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by Brondy Real Estate and located at 470 Cayuga Road, Cheektowaga, 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 7th day of November, 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 subject to the following conditions:

1. No major repair, collision or painting be allowed; and
2. Only minor repairs will be allowed to be done on the vehicles that are sold on the property

and
WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment provided:

1. the driveway width is increased to 25 feet or greater; and
2. the developer work closely with the Town Engineering Department to establish proper drainage for the site, 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 S & W Associates for the rezoning from C-Retail Business District to CM-General Commercial 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 Jaworwicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE

AYES: 6
NAYES: 0
ABSENT: 0
ABSTAINED: 1

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFIED 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 November 21, 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 meeting of said Board, and such minutes appear at item 4E, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November, 1988.

RICHARD M. MOLESKI
Town Clerk
PUBLISH: November 23, 1988

Item No. 4f Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, S & W Associates applied for a Special Permit for used car sales on property located at 470 Cayuga 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 7th day of November, 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 subject to the condition that no major repair, collision or painting be allowed; only minor repairs will be allowed to be done on the vehicles that are sold on the property, 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 470 Cayuga Road, and has rendered a significant effect on the environment provided:

1. the driveway width is increased to 25 feet or greater; and
2. the developer work closely with the Town Engineering Department to establish proper drainage for the site, 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 Town Environmental Advisory Committee.

* See next page for legal description

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

and assigns forever, 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. 14, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point on the west side of Cayuga Road, as a sixty-six (66) foot highway, at a distance as measured along the westerly line of Cayuga Road of three hundred eighty-eight (388) feet northerly from the intersection of the north line extended of the property shown under Map Cover No. 1328 filed in the Office of the Erie County Clerk and the westerly side of Cayuga Road, as a sixty-six (66) foot highway; thence westerly at right angles to the west line of Cayuga Road, as a sixty-six (66) foot highway, a distance of two hundred (200) feet; thence northerly parallel with Cayuga Road, a distance of two hundred twelve (212) feet; thence easterly two hundred (200) feet to the west line of Cayuga Road, as sixty-six (66) foot highway; thence southerly along the west line of Cayuga Road to the point or place of beginning. Subject to covenants easements and restrictions of record.

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..... *NOV 23 1988* ;
last publication..... *NOV 23 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

Sworn to before me this *23rd*

day of *November*, 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 21st day of November, 1988 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Jr.

Councilman Patricia A. Jaworwicz
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, S & W Associates applied for a Special Permit for used car sales on property located at 470 Cayuga 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 7th day of November, 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 subject to the condition that no major repair, collision or painting be allowed; only minor repairs will be allowed to be done on the vehicles that are sold on the property, 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 470 Cayuga Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided:

1. the driveway width is increased to 25 feet or greater; and
2. the developer work closely with the Town Engineering Department to establish proper drainage for the site, 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 Town 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: 6

NAYES: 0

ABSENT: 0

ABSTAINED: 1

**STATE OF NEW YORK
COUNTY OF ERIE**

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on November 21, 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 meeting of said Board, and such minutes appear at item 4F, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November, 1988.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: November 23, 1988

Item No. 5a Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for the year, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Pool Maintenance Chemicals, and BE IT FURTHER

RESOLVED that the specifications for said Pool Maintenance Chemicals be obtained from the Town Clerk's Office in Cheektowaga Town Hall, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 5th day of December, 1988 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

* * * * *

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town of Cheektowaga on December 5, 1988 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Pool Maintenance Chemicals for the year, 1989.

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.

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

RICHARD M. MOLESKI
Town Clerk

DATED: November 21, 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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 23rd

day of November, 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

No. 27

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS**

Scaled proposals will be received and considered by the Town of Cheektowaga on December 5, 1988 at 11:00 am., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Pool Maintenance Chemicals for the year 1989.

Information for bidders and specifications may 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.

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: November 23, 1988

Item No. 5b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division requires Athletic White Stripe for the purpose of lining athletic fields, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of Athletic White Stripe, and BE IT FURTHER

RESOLVED that the specifications for said Athletic White Stripe may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, and BE IT FURTHER

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

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 5, 1988 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying of Athletic White Stripe for the year 1989.

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.

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

RICHARD M. MOLESKI
Town Clerk

Dated: November 21, 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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 23rd

day of November 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

No. 27

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS**

Scaled proposals will be received by the Town Clerk on December 5, 1988, at 11:00 AM Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying of Athletic White Stripe for the year 1989.

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 lower 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: November 23, 1988

Item No. 5c Motion by Councilman Gabryszak, seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, utilizes Portable Chemical Toilets at various locations to service Recreation Department activities and Special Events, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the Leasing and Servicing of Portable Chemical Toilets, and BE IT FURTHER

RESOLVED that the specifications for said Leasing and Servicing of Portable Chemical Toilets be obtained from the Town Clerk's Office in Cheektowaga Town Hall, and BE IT FURTHER

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

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 5, 1988 at 11:00 A.M. Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the Leasing and Servicing of Portable Chemical Toilets for the year 1989.

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.

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

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..... NOV 23 1988 ;
last publication..... NOV 23 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 23rd

day of November, 19 90

..... *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

STATE OF NEW YORK
COUNTY OF CHEEKTOWAGA
TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 5, 1988, at 11:00 AM Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the Leasing and Servicing of Portable Chemical Toilets for the year 1989.

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 lower 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: November 23, 1988

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 5, 1988, at 11:00 AM Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the Leasing and Servicing of Portable Chemical Toilets for the year 1989.

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 lower 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: November 23, 1988

Item No. 6 Motion by Councilman Gabryszak, Seconded by Councilman Johnson

WHEREAS, Working Foreman Bernard Wojtkowiak has been on extended Sick Leave, and

WHEREAS, Facilities Department Director James Matecki has requested that the position of Working Foreman be filled on a temporary basis pending Mr. Wojtkowiak's return, and

WHEREAS, Mr. Louis Baran, a Cheektowaga resident and a Disabled American Veteran has applied for the position, and

WHEREAS, Mr. Louis Baran has the necessary experience for the position, NOW, THEREFORE, BE IT

RESOLVED that Mr. Louis Baran is hereby appointed to the position of Temporary Working Foreman at the rate of pay and work scheduled held by Mr. Wojtkowiak.

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 Solecki

WHEREAS, by resolution dated October 3, 1988, this Town Board invited sealed bids for the purchase of Regular, Unleaded, and Premium Unleaded Gasoline for use by the Central Garage, and

WHEREAS, one bid was received and opened at a public bid opening held on October 14, 1988 at 11:00 A.M., NOW, THEREFORE, BE IT

RESOLVED that the bid for Regular, Unleaded and Premium Unleaded Gasoline be and hereby is awarded to Kurk Fuel Oil Company, 1276 Harlem Road, Cheektowaga, New York 14206.

* See next page for tabulation.

Upon Roll Call....

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

T.F.Kurk, Inc. / Kurk Fuel Oil Co.

NAME OF COMPANY

1276 Harlem Rd. Cheektowaga, NY 14206 892-0359

ADDRESS AND PHONE #

SIZE OF GAS TANKS 10,000 gal. capacity

Approximate usage per month: PREMIUM UNLEADED 9,500 gals.
REGULAR 1,300 gals.
UNLEADED

PURSUANT TO INFORMATION FOR Requirements for the Town of Cheektowaga,
I bid the following:

REGULAR \$.5298/gal. (10/12/88)

PREMIUM UNLEADED \$.6123/gal. (10/12/88)

UNLEADED \$.5023/gal. (10/12/88)

**ABOVE PRICES QUOTED ARE EXCLUSIVE ALL TAXES, AND WILL BE SUBJECT TO APPLICABLE NEW YORK STATE GROSS RECEIPTS TAX AT TIME OF DELIVERY.

**ABOVE PRICES ARE NOT FIRM, BUT SUBJECT TO ESCALATION/DEESCALATION PER TERMS OF BID SPECIFICATIONS.

**OUR PRICE FOR THAT OF PREMIUM UNLEADED IS FOR NO LESS THAN 92 OCTANE PREMIUM. WE ARE NOT PROPOSING A MID-GRADE PREMIUM.

RECEIVED
1988 NOV 22 PM 2:37
CHEEKTOWAGA
TOWN CLERK

Item No. 8 Authorize Fire Inspectors to attend seminar.
This item was withdrawn.

Item No. 9 Direct Planning Board to review proposal of creation of new Zoning District: RR-Single Family District
This item was withdrawn.

Item No. 10 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, the Town owns two (2) 1986 model Garbage Packer trucks (white Xpeditor cab chassis together with Leach 2-R Packmaster) which are excess to the needs of the Town, and

WHEREAS, the Town of Marilla has offered to purchase such packer trucks from the Town of Cheektowaga for \$55,000 each, and

WHEREAS, the General Foreman of the Sanitation Department has stated that he feels \$55,000 is a reasonable price for such packer trucks, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to sell the packer trucks listed below to the Town of Marilla for the purchase price of \$55,000 each

Serial No. 1WXDAHSD4GN107185
Serial No. 1WXDAHSD6GN107186

and BE IT FURTHER

RESOLVED that delivery of such packer trucks shall be made on or after January 1, 1989.

Upon Roll Call....

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

Item No. 11 Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, in order to assure the timely and accurate response of emergency vehicles to properties in the Town, the Cheektowaga Police Department and Assessor's Office have recommended that the house addresses listed on the attached memo from Lt. John Howlett be changed to place them in the correct numerical sequence, and

WHEREAS, this Town Board agrees with the recommendations made by the Police Department and Assessor's Office, NOW, THEREFORE, BE IT

RESOLVED that the house numbers of those properties shown on the attached memo be and hereby are changed as therein stated, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such house number changes:

Assessor
Planning Board
County Clerk
County Highway Department
U.S. Post Office
Police Department

* See next page for memo



Cheektowaga Police Department

3223 Union Road, Cheektowaga, New York 14227-1080

Robert M. Lis
Chief of Police

Bruce D. Chamberlin
Assistant Chief

TO: ALL PERSONNEL AND DEPARTMENTS
FROM: LT. JOHN HOWLETT, E-911 COORDINATOR

Effective 17 November 1988, The Cheektowaga Town Assessor's office has changed the following house addresses in order to bring the homes into correct street and numerical sequence, and to more accurately reflect the true location of the structure. These adjustments are critical in assuring that all emergency services can make a quick and accurate response to these locations if required.

<u>OLD</u>		<u>NEW</u>	
number	street	number	street
20	REHM RD William Wiepert	76	REHM RD
199	REHM RD Michael Wolford	172	REHM RD
197	REHM RD Raymond Marzec	176	REHM RD
191	REHM RD vacant Owner: Donald Burnett, 3872 Bailey Ave, Amherst	184	REHM RD
187	REHM RD Terrie South	192	REHM RD
185	REHM RD Edward Nemmer	196	REHM RD
500	MARYVALE DR Mother of Divine Grace - Church & School Catholic Pamphlet Society	100	HOPE AVE
510	MARYVALE DR Convent Apartments (not occupied, under renovation)	200	HOPE AVE
520	MARYVALE DR Mother of Divine Grace - Rectory	120	HOPE AVE

If you have any questions or problems regarding these changes you may contact me at 686-3520.

(716) 686-3500

Lt. Howlett

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 Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town operates a housing rehabilitation program for eligible Town homeowners to make necessary repairs to their homes, and

WHEREAS, the Town has previously established loan limits of \$8,000 for deferred loans and \$10,000 for payback loans, and

WHEREAS, the Community Development Director has requested the Town Board to consider authorizing a deferred loan to the owner of the property listed below in the amount of \$11,837.00, which is over the established limits, due to the extent of the work required to bring the property into compliance with the Town's codes, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Town Board authorizes a deferred loan in the amount of \$11,837.00 to the owner of 37 Willowlawn Pkwy., Cheektowaga, New York, and authorizes the Supervisor to execute loan documents with said property owner.

Upon Roll Call....

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

Item No. 13a Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at the South Corner of McParlin Avenue and Harlem Road, Sublots 32, 33, 34, S.B.L. #102.46-4-1, Daniel Avenue, Sublots 78 to 83, S.B.L. #102.46-4-27, Harlem Road, North Corner of Daniel Avenue, Sublots 28-31, S.B.L. #102.46-4-28, Harlem Road, Sublots 25 to 27, S.B.L. #102.45-5-1 and Daniel Avenue, Sublots 84 to 89, S.B.L. #102.46-5-2, Cheektowaga, New York and according to the Assessors' Office is owned by Theodore Demblewski & 1, 10691 Albany Circle, Villa Park, California, 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. 13b 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 at 1281 Walden Avenue, Cheektowaga, New York S.B.L. #102.53-6-18./B and according to the Assessors' Office is owned by Geiger Enterprises, P.O. Box 201, Snyder, New York 14226, and

Item No. 13b 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. 14 Motion by Supervisor Swiatek, Seconded by Councilman Solecki

WHEREAS, the departments listed below are in need of a petty cash fund to pay, in advance of audit, properly itemized and verified or certified bills for materials, supplies and/or services provided to the Town, and

WHEREAS, subdivision 1-a of Section 64 of the Town Law of the State of New York provides for the establishment of a petty cash fund for any town officer or head of a department or office in the Town in an amount not to exceed \$200.00, and

WHEREAS, this Town Board feels that the establishment of a petty cash fund in said departments is warranted, NOW, THEREFORE, BE IT

RESOLVED that a petty cash fund in the amounts indicated be and hereby is established, effective immediately, and BE IT FURTHER

RESOLVED that, at the time of payment from such fund, the officer for which the fund was established shall require delivery to him of a bill in form sufficient for audit by this Town Board as required by law.

DEPARTMENT	FIXED AMOUNT
1. Accounting/Payroll	\$100.00
2. Assessors	\$200.00
3. Building Inspector	\$200.00
4. Central Garage	\$200.00
5. Community Development	\$200.00
6. Engineering	\$200.00
7. Facilities	\$200.00
8. Highway	\$200.00
9. Justice Court	\$200.00
10. Law	\$200.00
11. Manpower	\$200.00
12. Police	\$200.00
13. Recreation	\$200.00
14. Sanitation	\$200.00
15. Sr. Services	\$200.00
16. Sewer Maintenance	\$200.00
17. Main Pump Station	\$200.00
18. Supervisor	\$100.00
20. Tax Office	\$200.00
21. Town Clerk	\$200.00
22. Youth Bureau	\$200.00
23. Council Office	\$200.00

Upon Roll Call....

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

Motion by Councilman Gabryszak Seconded by Supervisor Swiatek to dispense with the reading of the figures in Item No. 15.

Upon Roll Call....

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

Item No. 15 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:	7140.1614	(Recreation Playground Attendant)	\$ 3,000.00
	3120.4073	(Clothing Allowance-Police)	400.00
	1640.4446	(Equip. Repair-Central Garage)	900.00
	1640.4001	(Office Supplies-Central Garage)	100.00
	1220.4321	(Computer Expense-Accounting)	5,000.00
	1910.4711	(Contingency)	1,000.00
	1910.4711	(Contingency)	500.00
	1640.4447	(Collision-Central Garage)	4,000.00
	1640.4441	(Police Equipment-Repair)	3,000.00
	1640.4443	(Sanitation Equipment Repair)	4,000.00
	7180.4612	(Swim transportation)	370.30
	7310.1812	(Youth Conservation Corp. - Part)	3,500.00
TO:	7140.1615	(Recreation Instructor)	\$ 3,000.00
	3120.4085	(Local Education Expense-Police)	400.00
	1640.4072	(Uniform Cleaning-Central Garage)	900.00
	1640.4448	(Auto Washing-Central Garage)	100.00
	9950.8821	(Transfer to Capital)	5,000.00
	1910.4082	(Government Business Travel)	1,000.00
	1910.4081	(Municipal Assoc. Dues)	500.00
	1640.4161	(Gasoline-Central Garage)	4,000.00
	1640.4161	(Gasoline-Central Garage)	3,000.00
	1640.4161	(Gasoline-Central Garage)	4,000.00
	7140.4611	(Recreation Transportation)	370.30
	7310.2501	(Office Equip. - Youth Bureau)	3,500.00

SPECIAL DISTRICT FUND

FROM:	0599.0000	(Sewer District 4 Fund Balance)	\$ 2,000.00
	8124.4972	(Sewer District 4-Alpine Utilities)	2,000.00
TO:	8124.4972	(Sewer District 4 Alpine Utilities)	\$ 2,000.00
	8125.4438	(Sewer District 5 Sewer Repairs)	2,000.00

CAPITAL FUND

FROM:	5031.0000	(Interfund Transfer in)	\$217,475.00
	5031.0000	(Interfund Transfer in)	5,000.00
TO:	1625.8811.1101	(Alexander St. School)	\$ 10,000.00
	7410.8811.1102	(Lighting)	100.00
	7410.8811.1102	(Roofing)	11,025.00
	7620.8811.1104	(Improvements-Heating)	1,500.00
	7620.8811.1105	(Improvements-Front Door)	300.00
	1625.8811.1106	(Chamber Remodeling)	2,650.00
	1910.8812.1100	(Roadway Improvements-Town Hall)	9,000.00
	3120.8812.1101	(Air Conditioning-Police)	4,000.00
	1640.8813.1102	(Degreaser-Central Garage)	750.00
	3310.8814.1101	(Genesee/Alpine/Andrews Construction)	2,500.00
	3310.8814.1102	(Philip Drive signal)	2,000.00

Item No. 15 cont'd

7410.8815.1100	(Roofing-Library)	6,675.00
1910.8816.1100	(Sidewalk Repair)	3,000.00
7140.8817.1100	(Golf Course)	100,000.00
7110.8818.1101	(Storage Tank Removal)	225.00
7110.8818.1102	(Lighting-Ball Diamond)	13,250.00
7140.8818.1103	(Improvements-Cultural Center)	1,500.00
7110.8818.1104	(Town Hall-Ball Diamond)	7,500.00
8540.8819.1101	(Fontaine, Nana-Drain)	14,000.00
8540.8819.1102	(Sloan Relief-Detention Basin)	12,500.00
8540.8819.1102	(Conrail Property Purchases)	5,000.00
1910.8821.0200	(Townwide Computer System)	5,000.00

Upon Roll Call....

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

Item No. 16 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 November 21, 1988 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$2,432,940.61
HIGHWAY FUND	495,043.98
CAPITAL FUND	481,649.53
TRUST & AGENCY FUND	543,412.59
HUD FUND	49,504.25
PART TOWN FUND	31,052.49
HUD-RENTAL REHAB. FUND	24,896.25
RISK RETENTION	84,426.82
DEBT SERVICE FUND	256,280.00
SPECIAL DISTRICT FUND	883,804.20
	<u>\$5,283,010.72</u>

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN JAWOROWICZ 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 November 21, 1988 are hereby approved and made a part hereof, which also includes a change in a name from West Seneca Central School District to W.N.Y. Business Services, Acct.#05-1910-8821-0200 on the original Warrant List:

Item No. 16 cont'd

FUND	AMOUNT
GENERAL FUND	\$2,432,940.61
HIGHWAY FUND	495,043.98
CAPITAL FUND	481,649.53
TRUST & AGENCY FUND	543,412.59
HUD FUND	49,504.25
PART TOWN FUND	31,052.49
HUD-RENTAL REHAB. FUND	24,896.25
RISK RETENTION	84,426.82
DEBT SERVICE FUND	256,280.00
SPECIAL DISTRICT FUND	883,804.20
	<u>\$5,283,010.72</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. 17 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance, and

WHEREAS, this Town Board has been reviewing proposals to regulate the uncontrolled construction of two-family dwellings in the Town, and

WHEREAS, by resolution dated October 17, 1988, this Town Board called for a public hearing on a proposal to amend the Zoning Ordinance to reclassify two-family residences into the RA-Apartment District, and

WHEREAS, in accordance with the provisions of the Town Law, a public hearing on a proposal to amend the Zoning Ordinance to reclassify two-family residences into the RA-Apartment District was held on the 7th day of November, 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 were given an opportunity to be heard and were heard, and

WHEREAS, this Town Board feels it is in the public interest to amend the Zoning Ordinance, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Zoning Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 A.(1)(b) which lists two family dwellings as a principal permitted use in a R-Residence District shall be repealed.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Sections 82-21 B.(1)(b) and 82-21 (B)(2)(b) which pertain to the minimum lot width and minimum lot area for two family dwellings shall be repealed.

3. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 A.(1) which lists the principal permitted uses in a RA-Apartment District shall be amended by the enactment of a new subdivision (c) for two family dwellings.

Item No. 17 cont'd

4. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 B. which pertains to lot width and lot area for principal permitted uses in a RA Apartment District shall be amended by deleting the words "two family dwelling" from subdivisions (1)(a) and (2)(a), and by adding a new subdivision (1)(c) and (2)(c), providing the following:

(1) Lot width.

(c) Two family residence.

[1] Interior lot, eighty-five (85) feet.

[2] Corner lot, ninety-five (95) feet.

(2) Lot area.

(c) Two family residence.

[1] Interior lot, ten thousand two hundred (10,200) square feet

[2] Corner lot, eleven thousand four hundred (11,400) square feet.

5. RESOLVED THAT ARTICLE VII - NONCONFORMING USE REGULATIONS, Section 82-45, which pertains to the continuation of nonconforming uses, shall be amended by exempting two family residences from the restrictions provided for in Sections 82-47 (Enlargement or extension of nonconforming uses) and 82-49 (restoration of damaged nonconforming structures); such exemption shall read as follows:

and except that neither the restrictions on the enlargement or extension of nonconforming uses provided for in Section 82-47 nor the restrictions on the restoration of damaged structures provided for in Section 82-49 shall apply to any two family residence made nonconforming by the reclassification of such residences as a principal permitted use in the R Residence District to the RA-Apartment District.

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 November 7, 1988; and that a certified copy 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 Zoning 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
.....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..... DEC 01 1988 ;
last publication..... DEC 01 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{1st}.....

day of*December*....., 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 21st day of November, 1988 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Jr.

Councilman Patricia A. Jaworwicz
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 Jaworowicz

WHEREAS, pursuant to Section 82-70 of the Code of the Town of Cheektowaga ("Zoning Ordinance"), this Town Board may from time to time, on its own motion, amend, supplement or repeal provisions of said Zoning Ordinance, and

WHEREAS, this Town Board has been reviewing proposals to regulate the uncontrolled construction of two-family dwellings in the Town, and

WHEREAS, by resolution dated October 17, 1988, this Town Board called for a public hearing on a proposal to amend the Zoning Ordinance to reclassify two-family residences into the RA-Apartment District, and

WHEREAS, in accordance with the provisions of the Town Law, a public hearing on a proposal to amend the Zoning Ordinance to reclassify two-family residences into the RA-Apartment District was held on the 7th day of November, 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 were given an opportunity to be heard and were heard, and

WHEREAS, this Town Board feels it is in the public interest to amend the Zoning Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-21 A.(1)(b) which lists two family dwellings as a principal permitted use in a R Residence District shall be repealed.

2. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Sections 82-21 B.(1)(b) and 82-21 (B)(2)(b) which pertain to the minimum lot width and minimum lot area for two family dwellings shall be repealed.

3. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 A.(1) which lists the principal permitted uses in a RA Apartment District shall be amended by the enactment of a new subdivision (c) for two-family dwellings.

4. RESOLVED THAT ARTICLE II - RESIDENCE DISTRICT REGULATIONS, Section 82-22 B. which pertains to lot width and lot area for principal permitted uses in a RA Apartment District shall be amended by deleting the words "two family dwelling" from the subdivisions (1)(a) and (2)(a), and by adding a new subdivision (1)(c) and (2)(c), providing the following:

- (1) Lot width
 - (c) Two family residence
 - (1) Interior lot, eighty-five (85) feet.
 - (2) Corner lot, ninety-five (95) feet.
- (2) Lot area
 - (c) Two family residence
 - (1) Interior lot, ten thousand two hundred (10,200) square feet
 - (2) Corner lot, eleven thousand four hundred (11,400) square feet

5. RESOLVED THAT ARTICLE VII - NONCONFORMING USE REGULATIONS, Section 82-45, which pertains to the continuation of nonconforming uses, shall be amended by exempting two family residences from the restrictions provided for in Sections 82-47 (enlargement or extension of nonconforming uses) and 82-49 (restoration of damaged nonconforming structures); such exemption shall read as follows:

and except that neither the restrictions on the enlargement or extension of nonconforming uses provided for in Section 82-47 nor the restrictions on the restoration of damaged structures provided for in Section 82-49 shall apply to any two family residence made nonconforming by the reclassification of such residences as a principal permitted use in the R Residence District to the RA Apartment District.

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 November 7, 1988; and that a certified copy 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 Zoning 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,-----

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 CERTIFIED 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 November 21, 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 meeting of said Board, and such minutes appear at item 17, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November, 1988.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: December 1, 1988

Item No. 18 Motion by Councilman Kazukiewicz, seconded by Councilman Solecki

WHEREAS, the Town Board has identified a need to evaluate the community's parks and recreation programs including, but not limited to, a Community Needs Assessment and a Master Plan for Stiglmeier Park, and

WHEREAS, the Community Needs Assessment will inventory existing recreational facilities, their location, size, capacity and state of repair; identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities; identify and recommend recreational program needs, facility function and size, capital investment and location within the Town recreational system; project phasing and capital budgeting schedule, and

WHEREAS, the Stiglmeier Park Master Plan will inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development; soils and vegetative cover surveys; identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

WHEREAS, an ad-hoc Sports Advisory Committee should investigate and report back to this Town Board its findings with respect to sports, recreational activities and parks facilities desired by the community, and

WHEREAS, the Town Board has successfully implemented volunteer ad-hoc committees in the past to advise the Board in its personnel and purchasing areas, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the Cheektowaga Ad-Hoc Sports Committee to assess the community's parks and recreation program and to make recommendations on a Master Plan for Stiglmeier Park, and BE IT FURTHER

RESOLVED that the following named individuals be and hereby are appointed to this committee:

- | | | |
|-------------------|-------------------------|--------------------|
| Herbert Niebergal | Henry Andrzejewski, Sr. | William Rogowski |
| Gary Parks | John Abraham | Waldemar Pawlowski |
| Len Kosobucki | Gerald Kupkowski | Alvin Leuthe |
| Richard Wipperman | Matt Szydowski | Frank Trawinski |
| Mary Holtz | | |

* * * * *

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

* * * * *

AMENDED #1

Motion by Councilman Kazukiewicz, seconded by Councilman Solecki

WHEREAS, the Town Board has identified a need to evaluate the community's parks and recreation programs including, but not limited to, a Community Needs Assessment and a Master Plan for Stiglmeier Park, and

WHEREAS, the Community Needs Assessment will inventory existing recreational facilities, their location, size, capacity and state of repair; identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities; identify and recommend recreational program needs, facility function and size, capital investment and location within the Town recreational system; project phasing and capital budgeting schedule, and

Item No. 18 cont'd

WHEREAS, the Stiglmeier Park Master Plan will inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development; soils and vegetative cover surveys; identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

WHEREAS, a Sports/Parks & Recreation Committee should investigate and report back to this Town Board its findings with respect to sports, recreational activities and parks facilities desired by the community, and

WHEREAS, the Town Board has successfully implemented volunteer ad-hoc committees in the past to advise the Board in its personnel and purchasing areas, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the Cheektowaga Sports/Parks & Recreation Committee to assess the community's parks and recreation program and to make recommendations on a Master Plan for Stiglmeier Park, and BE IT FURTHER

RESOLVED that the following named individuals be and hereby are appointed to this committee:

- | | | |
|-------------------|-------------------------|--------------------|
| Herbert Niebergal | Henry Andrzejewski, Sr. | William Rogowski |
| Gary Parks | John Abraham | Waldemar Pawlowski |
| Len Kosobucki | Gerald Kupkowski | Alvin Leuthe |
| Richard Wipperman | Matt Szydowski | Frank Trawinski |
| Mary Holtz | | |

* * * * *

MOTION BY COUNCILMAN KAZUKIEWICZ, 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 #2

Motion by Councilman Kazukiewicz, seconded by Councilman Solecki

WHEREAS, the Town Board has identified a need to evaluate the community's parks and recreation programs including, but not limited to, a Community Needs Assessment and a Master Plan for Stiglmeier Park, and

WHEREAS, the Community Needs Assessment will inventory existing recreational facilities, their location, size, capacity and state of repair; identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities; identify and recommend recreational program needs, facility function and size, capital investment and location within the Town recreational system; project phasing and capital budgeting schedule, and

WHEREAS, the Stiglmeier Park Master Plan will inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development; soils and vegetative cover surveys; identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

Item No. 18 cont'd

WHEREAS, a Sports/Parks & Recreation Committee should investigate and report back to this Town Board its findings with respect to sports, recreational activities and parks facilities desired by the community, and

WHEREAS, the Town Board has successfully implemented volunteer committees in the past to advise the Board in its personnel and purchasing areas, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the Cheektowaga Sports/Parks & Recreation Committee to assess the community's parks and recreation program and to make recommendations on a Master Plan for Stiglmeier Park, and BE IT FURTHER

RESOLVED that the following named individuals be and hereby are appointed to this committee:

- | | | |
|-------------------|--------------------------|--------------------|
| Herbert Niebergal | Henry Andrzejewski, Sr. | William Rogowski |
| Gary Parks | John Abraham | Waldemar Pawlowski |
| Len Kosobucki | Gerald Kupkowski | Alvin Leuthe |
| Richard Wipperman | Matt Szydowski | Frank Trawinski |
| Mary Holtz | <u>Donald Sobocinski</u> | |

* * * * *

MOTION BY COUNCILMAN KAZUKIEWICZ, 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

* * * * *

AMENDED #3

Motion by Councilman Kazukiewicz, seconded by Councilman Solecki

WHEREAS, the Town Board has identified a need to evaluate the community's parks and recreation programs including, but not limited to, a Community Needs Assessment and a Master Plan for Stiglmeier Park, and

WHEREAS, the Community Needs Assessment will inventory existing recreational facilities, their location, size, capacity and state of repair; identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities; identify and recommend recreational program needs, facility function and size, capital investment and location within the Town recreational system; project phasing and capital budgeting schedule, and

WHEREAS, the Stiglmeier Park Master Plan will inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development; soils and vegetative cover surveys; identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

WHEREAS, a Sports/Parks & Recreation Committee should investigate and report back to this Town Board its findings with respect to sports, recreational activities and parks facilities desired by the community, and

WHEREAS, the Town Board has successfully implemented volunteer committees in the past to advise the Board in its personnel and purchasing areas, NOW, THEREFORE, BE IT

Item No. 18 cont'd

RESOLVED that this Town Board hereby establishes the Cheektowaga Sports/Parks & Recreation Committee to assess the community's parks and recreation program and to make recommendations on a Master Plan for Stiglmeier Park, and BE IT FURTHER

RESOLVED that the following named individuals be and hereby are appointed to this committee:

- | | | | |
|-------------------|--------------------------|------------------|------------------|
| Herbert Niebergal | Henry Andrzejewski, Sr. | William Rogowski | Gary Parks |
| John Abraham | Waldemar Pawlowski | Len Kosobucki | Gerald Kupkowski |
| Alvin Leuthe | Richard Wipperman | Matt Szydowski | Frank Trawinski |
| Mary Holtz | <u>Donald Sobocinski</u> | | |

and BE IT FURTHER

RESOLVED that the said Sports/Parks & Recreation Committee elect one of their members who will appear before the Parks & Recreation Committee for the purpose of reporting the findings of the Committee herein established.

* * * * *

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

* * * * *

AMENDED #4

Motion by Councilman Kazukiewicz, seconded by Councilman Solecki

WHEREAS, the Town Board has identified a need to evaluate the community's parks and recreation programs including, but not limited to, a Community Needs Assessment and a Master Plan for Stiglmeier Park, and

WHEREAS, the Community Needs Assessment will inventory existing recreational facilities, their location, size, capacity and state of repair; including active, passive and environmental conservation activities; identify and recommend recreational program needs, facility function and size, capital investment and location within the Town recreational system; and

WHEREAS, the Stiglmeier Park Master Plan will inventory existing park use facilities, identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas, and

WHEREAS, a Sports/Parks & Recreation Committee should investigate and report back to this Town Board its findings with respect to sports, recreational activities and parks facilities desired by the community, and

WHEREAS, the Town Board has successfully implemented volunteer committees in the past to advise the Board in its personnel and purchasing areas, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby establishes the Cheektowaga Sports/Parks & Recreation Committee to assess the community's parks and recreation program and to make recommendations on a Master Plan for Stiglmeier Park, and BE IT FURTHER

RESOLVED that the following named individuals be and hereby are appointed to this committee:

Item No. 18 cont'd

Herbert Niebergal	Henry Andrzejewski, Sr.	William Rogowski
Gary Parks	John Abraham	Waldemar Pawlowski
Len Kosobucki	Gerald Kupkowski	Alvin Leuthe
Richard Wiperman	Matt Szydowski	Frank Trawinski
Mary Holtz	<u>Donald Sobocinski</u>	

and BE IT FURTHER

RESOLVED that the said Sports/Parks & Recreation Committee elect one of their members who will appear before the Parks & Recreation Committee for the purpose of reporting the findings of the Committee herein established.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

At this time, Councilman Kulyk offered a substitute resolution in place of Item No. 19. This failed and was not recognized.

Item No. 19 Motion by Councilman Gabryszak, seconded by Supervisor Swiatek

WHEREAS, the firm of Saratoga Associates has submitted a proposal to provide a Community Needs Assessment and Master Plan for Stiglmeier Park, and

WHEREAS, said Community Needs assessment and Master Plan for Stiglmeier Park will:

1. inventory existing recreational facilities, their location, size, capacity and state of repair;
2. identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities;
3. identify and recommend recreational program needs, facility function and size, capital investment and location within the town recreational system;
4. provide project phasing and capital budgeting schedule;
5. inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development;
6. provide soils and vegetative cover surveys; and
7. identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas,

and

WHEREAS, Saratoga Associates proposes to provide the Community Needs Assessment and Stiglmeier Park Master Plan at a cost of \$20,000, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby retains the firm of Saratoga Associates, 539 Franklin Street, Buffalo, New York, to perform a Community Needs Assessment and Stiglmeier Park Master Plan at a cost not to exceed \$20,000, and BE IT FURTHER

RESOLVED that funds for said action are available from Account No. 05-7110-8821-1108.

Item No. 19 cont'd

* * * * *

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY SUPERVISOR SWIATEK,
TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

Amended Resolution is as follows:

* * * * *

Motion by Councilman Gabryszak, seconded by Supervisor Swiatek

WHEREAS, the firm of Saratoga Associates has submitted a proposal to
provide a Community Needs Assessment and Master Plan for Stiglmeier Park, and

WHEREAS, said Community Needs assessment and Master Plan for
Stiglmeier Park will:

1. inventory existing recreational facilities, their location, size, capacity and state of repair;
2. identify the demand for recreational facilities based on town population and demographic profile, including active, passive and environmental conservation activities;
3. identify and recommend recreational program needs, facility function and size, capital investment and location within the town recreational system;
4. provide project phasing and capital budgeting schedule;
5. inventory existing park use facilities, environmental setting, infrastructure and road/parking configurations to determine current use patterns and opportunities for further development;
6. provide soils and vegetative cover surveys; and
7. identify appropriate additional recreational activities for the park to include picnic areas, active and passive recreation, parking, swimming, hiking trails and nature conservation areas,

and

WHEREAS, Saratoga Associates proposes to provide the Community Needs Assessment and Stiglmeier Park Master Plan at a cost of \$19,500, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby retains the firm of Saratoga Associates, 539 Franklin Street, Buffalo, New York, to perform a Community Needs Assessment and Stiglmeier Park Master Plan at a cost not to exceed \$19,500, and BE IT FURTHER

RESOLVED that funds for said action are available from Account No. 05-7110-8821-1108.

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Supervisor's Statement of Funds
Received and Filed.

Item No. 21 Assemblyman Paul A. Tokasz: Letter of resignation from Cheektowaga Library Board
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 22a Notice of Claim - Sharon Ross, Ind. and as Guardian of Charmaine Miesowicz 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; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 22b Notice of Claim - Carla Zurowski 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. 22c Notice of Claim - James Soler 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; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 22d Notice of Claim - Esther Kudel 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; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 22e Jack A. Mastrangelo 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, Sanitation Department; Christopher Kowal, Highway Superintendent; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 22f Notice of Claim - Theodora Filipowicz 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; Chris Kowal, Highway Superintendent; Joseph J. Naples, Insurance Carrier.
Received and Filed.

Item No. 23 Notice of Petition: Consolidated Rail Corporation vs State Board of Equalization and Assessment
Received and Filed.

Item No. 24 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

MEETING NO. 27
December 5, 1988

PUBLIC HEARING

The following minutes are from a Public Hearing which was held at 6:30 P.M. prior to the Town Board meeting of December 5, 1988. The Public Hearing dealt with the Walden Galleria Project - Drainage Systems Ordinance.

** Immediately following the Public Hearing minutes are the minutes of the Town Board meeting of December 5, 1988.

Minutes of Public Hearings held before the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall, corner of Broadway and Union Road, on the 5th day of December, 1988, commencing at 6:30 o'clock, p.m., pursuant to Legal Notice.

PRESENT:

CHEEKTOWAGA TOWN BOARD:

FRANK E. SWIATEK, Supervisor
THOMAS M. JOHNSON, JR., Councilman
DENNIS H. GABRYSZAK, Councilman
RICHARD B. SOLECKI, Councilman
LEO KAZEKIEWICZ, Councilman

MARY HOLTZ, Deputy Town Clerk

JAMES J. KIRISITS, ESQ., Town Attorney

CHESTER L. BRYAN, Town Engineer

KENNETH D. CANNON, Managing Partner,
Pyramid Company of Buffalo

STEVEN L. GROGG, P.E., Vice President,
RAYMOND KEYES ASSOCIATES, INC.

PATRICK HENNIGAN (Pyramid)

ALICE J. KRYZAN, ESQ.. (Pyramid Attorney)

* * * * *

ITEM NO. 1:

WALDEN GALLERIA PROJECT
(Drainage Systems Ordinance)

SUPERVISOR SWIATEK: Good evening, ladies and gentlemen. We'll start off this evening with a public hearing to solicit comments from the public regarding the Walden Galleria Project, the Drainage Systems Ordinance.

Has everyone picked up a summary fact sheet that's available at the door? There's summary fact sheets available at the door which identify the PURPOSE, the ENVIRONMENTAL REVIEW CONTEXT, and a brief comment on the DESIGN.

At this time, Madam Clerk, if you'll kindly read the Notice.

MS. HOLTZ: This is the time and place for a public hearing on the Drainage Systems Ordinance. This notice is issued pursuant to Section 21A-5 of the Town of Cheektowaga Code.

The Pyramid Company of Buffalo has submitted plans and drawings to the Town Engineer for the Town of Cheektowaga pursuant to Article 21A of the Town Code. Pyramid proposes to construct on its property a structural span across a portion of the Scajaquada Creek and a multi-plate arch enclosure of a portion of the U-Crest Diversion Ditch east of the New York State Thruway and west of Union Road.

The purpose of the hearing is to solicit comments from the public regarding the construction of the structural span and multi-plate arch enclosure and related activity involving the alteration of the bed or banks of the Scajaquada Creek and the U-Crest Diversion Ditch. The plans and specifications for the construction has been submitted to the Town Engineer and are available for public review during regular office hours.

SUPERVISOR SWIATEK: Okay, thank you. At this time I'd like to call upon

Ken Cannon of the Pyramid Corporation. And I suppose you're for it, Ken.

MR. CANNON: I am for it.

SUPERVISOR SWIATEK: And are you going to make a presentation?

MR. CANNON: If you choose, yes. I'm prepared to do that.

SUPERVISOR SWIATEK: All right. I think that would be appropriate and then we'll entertain questions from the floor. Ken, go right ahead, please.

MR. CANNON: First of all, for the record, my name is Ken Cannon. I represent Pyramid Company of Buffalo. We have offices at 3729 Union Road here in Cheektowaga.

Pyramid has proposed crossing Scajaquada Creek in the form of building buildings and parking areas on a bridge-like structure.

We've also proposed the enclosure^{the reach} of a portion of the U-Crest Diversion Ditch through ~~a~~ breach in the Walden Galleria Development site, ~~and~~ the enclosure involved, the construction of a structural steel arch. Both of those activities are subject to the Town of Cheektowaga Code, Section 21A which is generally known as the Drainage Systems Ordinance which applies to any activity within the banks of a water course through the Town.

That Ordinance requires that the public be afforded an opportunity to comment prior to any action being taken definitively by the Town Board on the permit applications to start the work involved.

The Walden Galleria Project has been subjected to extensive review, public review and comment by local, state and federal agencies as well. In particular, perhaps the most carefully examined was the storm water management and flood control plan which forms a part of our overall project in which very rigorous standards were applied to that review process. The same rigorous standards have been included in the proposal for the crossing of Scajaquada Creek and enclosure of the U-Crest Diversion Ditch.

As a matter of fact, in addition to review by the Town and its independent consulting engineers, Camp, Dresser & McKee, the proposals are currently being reviewed by both the New York State Department of Environmental Conservation at the state level, and by the U.S. Army Corps of Engineers at the federal level.

COUNCILMAN JOHNSON: Camp, Dresser & McKee is not yet consulting anybody. We have to engage their services formally. Just a point of information.

MR. CANNON: As a practical matter, Councilman, and I assumed they were involved in the process --

COUNCILMAN JOHNSON: We have to engage their services.

MR. CANNON: Sure. I understand. Perhaps

for the benefit of the public,
I could give a very brief overview of the design elements
and --

COUNCILMAN JOHNSON: Please.

MR. CANNON: I'm not sure how you'd best
like to see this. We have
an easel set up --

SUPERVISOR SWIATEK: Put it right out here.
Board members have copies of
that in their report.

COUNCILMAN JOHNSON: I have it.

MR. CANNON: This overview ^{highway} outline, this
is a ~~proper~~ maintenance draw-
ing essentially but it allows
us to see the overall project in a broad manner, for simple
purposes to identify with the colors of the drawing the
location of the recently proposed activity.

Crossing of Scajaquada Creek
is defined within this pink color through the center
portion of the site. That band, the width of the floodway
through the site, is about a hundred fifty feet. Total
length is something approximately 1400 feet from one side
of the project on the east and the other side close to
I90 on the west.

The portion of the U-Crest
Diversion Ditch which is affected by the proposal we
made is shown here in yellow, about 1400 feet along the
northern edge adjacent to the new roadway that's proposed
to be built and is, in fact, largely constructed at this

point called Galleria Drive.

Let's look at each of the two proposals very quickly. These two drawings represent the crossing of Scajaquada Creek. First on this drawing, what is outlined here in pink color, again, is the outline of the typical cross-section of the Creek showing the overbank flow area and the bottom of the existing banks of the creek. This proposal, as a matter of fact, true of the proposal for enclosing the U-Crest Diversion Ditch as well, were designed to try to make a particular point of preserving the existing environmental condition with respect to the bottom of this channel area below the ordinary high water mark.

In the case of Scajaquada Creek, the manner which that's been accomplished was to drive steel piling on either side just above the ordinary high water mark after which there will be excavation performed in this area so the material below the pink line down to this line which represents Rip-Rap stone in the overbank area would be removed.

That operation, of course, is followed by Rip-Rap itself which is designed simply to try to preserve the overbank area, avoid erosion, prevent some of the run-off that would occur under existing conditions as they are today.

That operation is followed by drilling caissons to bedrock through the site in a manner necessary to support the structure. Those caissons will then provide the foundation for the structural reinforced concrete columns. A 3 foot in diameter reinforced concrete column will be constructed on top of the caissons. Concrete deck planking will be placed across the beams and a structural concrete deck will be placed over the deck planking after which the building is built or the parking area is built in a normal manner. So there really is nothing more than a fairly long and wide bridge.

This is an artist's rendering of a view that is approximately correct. At least it's useful for just public review purposes. This is a rendering of what that bridge will look like. And the

features that I could point out perhaps are these -- we're talking Scajaquada Creek -- about headroom clearance on the overbank area, about 9 feet which, in turn, is about 13 and a half feet from ordinary high water surface. These columns are shown -- probably not possible to see it from your seats back there -- are shown, marked boldly as warning signs with respect to just discouraging people, members of the public, exploring under this structure area, that sort of thing.

The idea, in general, is that this area will be controlled regularly by part of the security force that forms part of our program for the mall in general. And that won't be a problem.

Maybe, while I'm talking about this particular aspect, I'm aware of a comment by the Cheektowaga School District which related, in particular, to what is shown here, this line of fencing along the top of the bank between existing vegetation and open bank area on this property and the desire of the School Board is not to place fencing on their property or these ~~banking~~ ^{plantings} which were also proposed on their property because, essentially, it's not necessary to creating an improved safety situation. We're happy to agree to that and happy to ~~provide~~ ^{amend} the proposal to modify the fence and the ~~planting~~ ^{plantings} from the proposal. ~~eliminate~~

That puts us then ~~through~~ ^{to} the U-Crest enclosure. A little different approach but, essentially, the same kind of thing. Routine engineering design. In this instance, the overbank area is widened some 28 feet. This area in the middle with the pink lines represents existing channel which will be left undisturbed. The overbank area, after excavation, will be covered by stone, Rip-Rap. Again, erosion control water quality protection measure.

At the outside edge of this excavated area, there are footings in place which are designed to receive a steel arch which will be constructed ~~in~~ ^{and} a multi-plate design over the top of the ditch.

Just for purposes of clarification, what we are doing here, this line represents approximately the channel area prior to excavation

which has already been done. And the area below the line, of course, then has been excavated. That means there's somewhat more flow area through this ditch that exists under flood conditions, in a flood stage. The same thing applies to Scajaquada Creek with the excavation. The open bank area will allow somewhat more flow through the creek as well.

Again, this is nothing more than an artist's rendering of a view of the end of the enclosure of U-Crest. To just give you some perspective on size, this is a 9 foot 8" height of culvert. The opening width across there is a little more than 28 feet.

Mr. Supervisor, that's briefly the design.

SUPERVISOR SWIATEK: Ken, would you kindly comment on the materials that are being used and effect on the hydrology?

COUNCILMAN JOHNSON: Hydraulics as well.

SUPERVISOR SWIATEK: Hydraulics.

MR. CANNON: Well, first of all, I think it's important to keep in mind that the review approach is identical to the review approach developed with the help of the Corps of Engineers primarily; although the New York State Department of Environmental Conservation had some role in that as well. So that the modeling for the basin area, modeling for the U-Crest Ditch, the requirements with respect to volume flows, assumptions made with respect to the level of those flows in

certain storm events, that sort of thing, has been maintained and applied to these designs in the same fashion. The objective is to determine when the review has been completed, determined that these changes will result in no increase in peak discharge downstream and will result in no or nominal upstream water elevation increases, just as that was determined in the earlier program before these particular designs were set upon.

I should make one other general comment because many have expressed some confusion about the earlier environmental review and what we're doing now. In the Environmental Impact Statement for this project, there were proposed several alternative possibilities for crossing Scajaquada Creek. Not much detail or discussion of U-Crest Ditch. It wasn't viewed nearly as significant a water course as perhaps given attention to today. But the law requires, not only the Ordinance, the Town Drainage Systems Ordinance, but SEQR also requires at a point in time when a specific design has been determined and the developer is at a point where they wish to seek specific permits, it's necessary to examine environmentally what those designs are to determine whether or not there is a significant adverse environmental impact. And from that determination, various things follow through the procedural process.

One of those processes is simply obtaining public comment and that's what we're doing here tonight. Other work will be necessary to reach a determination on significance and then from that point, if it's determined, as we expect, that is to say, that we would not expect any environmental impact with respect there will be no downstream or upstream consequence, then the process will go rather more straightforward through the rest of the procedural steps.

COUNCILMAN JOHNSON:

Mr. Supervisor, just --

SUPERVISOR SWIATEK: Yes?

COUNCILMAN JOHNSON: The -- these represent a change in the sense that these are an upgrade of plans taking an alternative from those original plans in developing fully as a creek crossing. Naturally, anyone would be concerned about crossing the creek and enclosing any significant portion of the creek unless it was done in such a way that flood protection for the Town was insured. The way we did this last year for the original proposal which proposed to fill quantities of flood plain in that area was that the Department of Environmental Conservation and the Army Corps of Engineers would supply comments to the Town and the final project statement of findings approval was made last spring on that basis, when the final design of the mall at that time was approved by the Corps of Engineers and also the Department of Environmental Conservation and our consultants reviewed it.

The procedure now would be similar, that we would ask for comments from the DEC and ask for comments from the Army Corps of Engineers to address this question of flooding. And that the design was adequate to accommodate the variety of flood conditions that the Corps of Engineers had previously reviewed.

Our Building Inspector has sent us a note and I want to enter it in the record. It's dated today, copy to Supervisor Swiatek. I had asked them what their intentions were relative to the Town's action. And Tom Adamczak writes that regarding the Walden Galleria Mall structural crossing of Scajaquada Creek and enclosing of U-Crest Ditch, "This will confirm that it was not the intention of the Environmental Quality Review Advisory Committee to recommend that a Negative Declaration be issued at this time." "Negative" meaning no adverse recommendations.

"It was the recommendation of the Committee that comments be solicited from the

New York State Department of Environmental Conservation which has permit approval, and the U. S. Army Corps of Engineers, which must maintain the integrity of the Scajaquada Creek Flood Control Project.

The comments from these agencies are most important as well as comments from the Town's consultants. The Town Consultants are apparently reviewing the data at the present time and it is not known to me when their comments will be available."

He notes that, in a letter from the U.S. Army Corps of Engineers, dated December 2nd, they've suggested withholding approval until their review is complete. The idea being that the Town is currently engaging consultants.

We have to finalize a proposal for services which I think is -- Mr. Cannon made some comments on that proposal and you are right, it needs to be revised.

Secondly, the Corps of Engineers has put us on notice that they are reviewing the revised plans submitted by Pyramid. That this is a new question. And that they need to complete that review.

The Department of Environmental Conservation has not specifically commented but it would be very important to us in rendering our decision that they do file comments with us.

SUPERVISOR SWIATEK: Okay, let's have comments from the audience. We'll ask that your comments be limited to one comment and we'll move it on to another individual. And no one will be allowed to speak twice until everyone has had an opportunity to speak.

COUNCILMAN JOHNSON: For the record, I'd like to

file these with the court recorder, the note from Tom Adamczak and the Army Corps of Engineers' letter refers to.

SUPERVISOR SWIATEK: Yes. Yes, we all received copies of that.

(Whereupon, said documents were physically attached to the record.)

SUPERVISOR SWIATEK: Yes, Stan?

MR. STACHEWIC: Stanley Stachewic,
I'm not an engineer but I live on the corner of Tillotson and Kemp and everytime it rains hard, I get flooded. Now, with this crossing and this closing of the creek, I was wondering if it's going to affect any-- that little creek or tributary comes down from Scajaquada Creek underneath there and goes into Pine Ridge.

Now, Mr. Chet Bryan or Mr. Johnson or Mr. Cannon answer that?

COUNCILMAN JOHNSON: I think I can answer that quickly.

MR. STACHEWIC: Is that going to help me?

COUNCILMAN JOHNSON: Relative to Tributary T1,

we're diverting Tributary T1 into the main stem downstream of this project, enclosure. That is it's being diverted around your subdivision. Where there still remains some flow moving out to Harlem Road, we've been notified that the State of New York will be continuing the project up Harlem Road and will carry the end of that -- the outlet culvert on Harlem up to Scajaquada at that point.

In either case, we'll be reducing the flows between, be reducing the flows in the subdivision.

MR. STACHEWIC: As I understand correctly, Mr. Swiatek, the DEC and the Corps of Engineers, they didn't give their final approval or anything on this project?

SUPERVISOR SWIATEK: No, they did not.

MR. STACHEWIC: So are we going to study that further or give Mr. Cannon permission to go ahead?

SUPERVISOR SWIATEK: No, we've been advised by the Department of the Army to hold up on the approval.

MR. STACHEWIC: You have to keep on them, watch them.

SUPERVISOR SWIATEK: All right, Stan.

MR. MEKARSKI: Steve Mekarski,

THE FLOOR: Use the mike.

MR. MEKARSKI: And I'd like to remind the Board that 47 years ago plus 2 days from now we suffered a sneak attack at Pearl Harbor and 47 years later we're getting a sneak attack by Pyramid Corporation which last year, after 7 attempts, their first proposal saying there will be no flooding because their planning was good, took them 7 times to overcome that.

When they finally got the approval, the Corps of Engineers specifically stated, because I attended every meeting, that there should be -- this is only for Phase 1 and then no bridging or closing of Scajaquada Creek should be done without prior approval.

Yet, in September of this year, Pyramid went ahead and bridged the creek. There's some people sitting behind me that live far upstream. Mr. Cannon says there's no flooding downstream, only nominal flooding upstream. People that live near George Urban are already suffering flooding because of this temporary bridging that went over there.

30 years ago I had a fight and I had to get a permit for 3 and a half inch Variance. I lost 4 and a half months and I think they should wait at least a couple months until the Army Corps of Engineers gives their blessing to it.

COUNCILMAN JOHNSON: Steve, I want you to be absolutely certain of this, that the Town Board and our reviewing -- our portion of the review of this change in project is contingent upon information from the Department of Environmental Conservation and Corps of Engineers that this new design or this additional design will insure the protection of the Town and insure the flood protection of the Town.

So no one is rushing through this. This is an informational hearing to present what their intentions are. It's not presenting the Corps' review.

SUPERVISOR SWIATEK: We stated that already.

MR. MEKARSKI: But they already bridged the Creek.

COUNCILMAN JOHNSON: I understand.

SUPERVISOR SWIATEK: Yes, sir?

MR. PINGTELLA: My name is Louis Pingtella, in Cheektowaga. If I may, I have about a 2 or 3 minute comment that I'd like to address the council with.

As a concerned citizen and taxpayer of Cheektowaga, and as a businessman, I appeal to the Town Board to push forward with this final approval for the good of our community. This fantastic project has been delayed, scrutinized every inch of the

way, and to further delay it would be unthinkable.

We need not look any further than the beautiful Sibley's store as a part of the Galleria Mall to see the commitment that Galleria Mall has made to us. They've worked with all the governmental agencies and our Town to insure that this project will enhance the quality of living in our community.

I firmly and strongly believe that the proposal they've presented could only be more beneficial than the current conditions.

Now, Council members, I don't profess to be an expert on bridges or construction projects. What I, as well as many other business associates and residents, base our opinion of favoring a quick approval of this program is what I've seen the distinguished people of Pyramid Corporation doing over the past year or two. They've worked with those of us who wanted to see a safe quality project, one in which we can be proud of as a community.

They've altered, they've changed, they've reworked their plans so they would comply with the many requirements we have put before them. The Pyramid Corporation, unlike most developers, work with our fine Town so that they could be a part of our community for many years into the future.

Yes, Council members, to further delay this project is out of the question. The vast improvements in the Walden/Union area roads, the beautiful Sibley's building and the flood deterrent improvements, when completed, are a small example of the items we've gained as a Town.

We've seen the commitment Pyramid has given us. Now I ask we show them that commitment back. The quick approval will be the final step in this magnificent project. Once completed, businesses will grow, employment will rise, property values will increase and people will come from miles around to see what this Town has also given to them.

We need an approval quickly so the mall can start this ripple effect and we, as Town residents, can start to enjoy the many benefits.

In closing, I would just like to say that my wife, 16 month old daughter, and myself are happy to be part of this historic happening. We've already begun to see the competing and surrounding businesses up their operations. The benefits are just beginning.

We, as well as many residents, friends, business associates and relatives urge the Board to put the approval stamp on the remaining permits so that the Pyramid Company can complete Galleria Mall. The past actions of the Pyramid Corporation have been one of trust and cooperation. I see no reason to believe that this would not continue. And once completed, the Galleria Mall will be the showcase of Cheektowaga, a project we can all be proud of.

Get the final permits approved so we can all start talking proud of not only the Buffalo Bills but Cheektowaga and the Walden Galleria Mall. Thank you.

(Applause)

SUPERVISOR SWIATEK:

Would you repeat your name and address, please.

MR. PINGTELLA:

Louis Pingtella,
Drive, Cheektowaga.

COUNCILMAN JOHNSON:

We've corresponded before.

MR. PINGTELLA:

Yes, we have.

SUPERVISOR SWIATEK:

Name and address, please.
Ladies and gentlemen, please,
please.

MR. BOYD:

My name's John Boyd,
I want to
address this mostly to the
Town because of the ineptness that's gone on with the
drainage in the Miami Parkway and George Urban area.
Can I use that one drawing there, Mr. Cannon?

*-Tom -
Miami Pkway
not effected
by Gallen's
Project
POM 12/16/61*

MR. CANNON:

Sure, help yourself.

MR. BOYD:

This isn't quite the
presentation that Mr. Cannon
made. I'd like to show
everyone here exactly what's happening. They're going
in here --

COUNCILMAN JOHNSON:

Chet -- excuse me.

MR. BOYD:

They're going in here and
blocking this water which
is going to hold up here
on Santin Drive, eventually, over here on George Urban.
They've just put in a big drainage system on Nokomis
Street with 36 drains in them. We're over on Miami
right here where the old U-Crest Ditch is and that
thing is 35 feet. Last year in June, that came right
within 3 inches of overflowing.

We've had 6 feet of water in our basement right here. The water can't get underneath the Thruway. It's going to run off here, going to run off Genesee Street and same old place, on Miami Parkway. What happens when the Thruway, when the water's there with 3 or 4 inch drains, the Thruway stops and it's stopped up for 15 minutes, half hour at a time, because water can't get under there.

Now, unless they do something with this, pull all this water on this side of George Urban, shove it under the Thruway instead of Miami Parkway, there's no way we're going to be able to do this. You can tell I'm pretty upset about this because I got 37 years invested in and I'll tell you, my friends, anybody in that area, any of those places, are going to be under water in the next two years, believe me.

That's all I've got to say about it. I have nothing against Galleria. I just feel that nothing's been done by the Town to that area. Yeah, the ditch behind me, they just put in -- this ditch behind me, it's plugged with telephone poles, all kinds of rafts. You can't even see the darn thing. We asked the guy who's doing the drainage, "Where you putting that water?" "That's not my job, that's up to the Town", he said.

You go over here, you can't even see the ditch behind my house and they can walk back there with me and I'll take them and show them.

COUNCILMAN JOHNSON:

I'll be over there.

MR. BOYD:

He sat in my garage 25 years ago after I had a flood, after I had 6 feet of water.

COUNCILMAN JOHNSON:

I wasn't around 25 years ago.

MR. BOYD:

Well, a long time ago.

COUNCILMAN JOHNSON:

We've engaged consultants to review the entire length of U-Crest Ditch, not simply the section that Galleria's doing. And, specifically, one of the reasons we're holding up this Camp, Dresser & McKee study, they must finalize the upstream effects. The consultants we've engaged for U-Crest Ditch are looking specifically at your area as well as U-Crest Ditch upstream and along Genesee Street and a contribution from the airport.

We have to do two things, make sure the work that's being done downstream where Galleria's working provides enough velocity and enough volume hydraulically in order to insure that there's no stoppage of the water draining from your direction because Scajaquada drains rapidly and the more rapidly it does drain is better. But we're going to look at detention along Genesee Street near the airport to hold back waters coming in that direction to U-Crest. And the consultants that are to review Pyramid's plans are going to look at the upstream effects.

Now, we did the Nokomis project and the Nokomis project was intended to get water in and out quickly.

MR. BOYD:

Behind me where there's no place to put it.

SUPERVISOR SWIATEK:

Tom, I'd like to hear from other residents.

COUNCILMAN JOHNSON:

I'd like to ask Mr. Bryan to address this.

MR. BOYD: May I complete this?
I've waited 25 years.
I was here when Weber came
over and promised me he was going to put a basin in
there. We've got the airport --

COUNCILMAN JOHNSON: The only question I'd like
to ask Mr. Bryan is the
relationship between what
Pyramid's proposing and the problem in your area that
we're studying. Mr. Bryan,

MR. BRYAN: I don't know if you want
to talk about that now or --

COUNCILMAN JOHNSON: Just explain the relationship,
Mr. Bryan. I think it's
important to this question.

MR. BRYAN: I don't know where to start.
U-Crest Ditch, the original
U-Crest is the one you're
speaking about. And when the New York State Department
of Transportation was improving Union Road, they diverted
U-Crest Ditch, the portion coming from the airport, they
diverted to a new channel and it goes under Union Road
and this is the waters in the channel that Mr. Cannon
addressed himself to. You're speaking about the original
U-Crest ditch.

MR. BOYD: That the state took over
about 3 years ago and --

MR. BRYAN: When that was done, you know where Fath Drive is, that ditch from Fath, that water used to go through Miami Parkway. It went through Nokomis across George Urban and went into your ditch. And when that state diversion came in, that was cut off. So that water doesn't go in there anymore.

MR. BOYD: How come -- was it done a year ago last June?

MR. BRYAN: It was done several years ago.

MR. BOYD: It was 2 inches from coming over the top last year June when the diamonds flooded on the other side there. The water couldn't get up the Thruway. Here's the pictures. I got the pictures right here in my brochure. There's all the flooding (indicating).

MR. BRYAN: That ditch is designed to hold water and it's going to get up high. When we have severe storms, you've got to expect --

MR. BOYD: It's the lowest point in Cheektowaga and unless you get the water out of there, we're going to -- at least, you know now, if we flood right up in the living room now, you know I spoke here tonight.

COUNCILMAN JOHNSON:

Sir, you deserve an answer
and you'll get an answer.

MR. BRYAN:

That was part of the flood
control project, your
ditch. We do have a
maintenance program.

MR. BOYD:

It wasn't good enough then.
You haven't even cleaned
the drain out behind me,
the ditch out behind me connecting Nokomis --

MR. BRYAN:

Are you speaking of some
local ditch or the main one?

MR. BOYD:

The main one plus whatever
water we're going to take
from Galleria. I have no
problem with Galleria if you don't flood, but the water's
going to come off Nokomis and any of that Galleria Drive
and hang into Nokomis and go into their 36 drains. I
counted every one last week.

MR. BRYAN:

It's not coming yet. This
is totally divorced from
your --

COUNCILMAN SOLECKI:

What you're saying --

THE FLOOR:

It's going under George Urban
and through --

MR. BOYD: Send it right from Galleria to the ponds.

SUPERVISOR SWIATEK: Please.

MR. BRYAN: That's where it's going.

THE FLOOR: Got George Urban right behind us and then it's going under the Thruway and back in the ditch. Why don't they run it right to the mall when they got the railroad tracks out of there? If you're trying to help us, why put more water by us? Two times you ran it under George Urban.

MR. BRYAN: The only waters coming from your way are coming from Nokomis, Seminole and Nokomis.

THE FLOOR: Right under George Urban. Why wasn't it sent over to Scajaquada?

MR. BRYAN: The ditch has been designed to drain water from a certain area and it's doing it. When you have a very severe storm, that ditch is going to be pretty full.

COUNCILMAN JOHNSON: Could you gentlemen, since you're interested in that specific part of it, could

you gentlemen meet with our Town Engineer in the next couple weeks, let him sit down with the maps with you, because we have engineers examining the entire stretch of U-Crest Ditch. We'll insure that in that report and in this impact report, this is part of the public information, part of the request presented to us, that they specifically address your area and it's relationship to the Galleria activities and the potential for future relief.

We'll specifically have the engineers address that.

MR. BOYD:

We'll get in touch with them. Ten years ago I went down for Mr. Meyers, I called him the same way I talked to Mr. Swiatek, and I went down to the State Building on the 6th floor and saw all the maps. They told me they didn't even know there was a ditch there. That's how bad that was. And I think we're forgotten.

COUNCILMAN JOHNSON:

It's a tributary.

SUPERVISOR SWIATEK:

Let's return now to the public hearing. State your name and address.

MR. FUHRMANN:

Paul R. Fuhrmann,
in Lancaster.
I'd like to comment briefly on the proposed Wild Life mitigation provisions as proposed by Pyramid and as required by the Town with regard to the mall site proper.

I guess, specifically, since you're speaking of the Scajaquada Creek and U-Crest

ditch area, I think it should be realized, in my opinion, I have a professional and personal interest in wild life habitat and it should be understood by the people at the Board and at this meeting that these areas are and have been prior to Pyramid's arrival on the scene, a disturbed, unnatural, unprotected environment for water fowl and other wild life animals in the area. This is, essentially, a manmade flood control drainage area. And that's been created by the Army Corps of Engineers prior to Pyramid in order to relieve flooding in the area.

As far as mitigating the effects on wild life and enhancement of the area environment as the Board is aware, Pyramid has purchased a 15 acre site adjacent to Steglmier Park which, upon my inspection and my investigation, on a scale of one to ten, this 13 acre parcel is probably a number 10 with respect to wild life habitat.

It's got frontage on Cayuga Creek. It's been deeded to the Town, if my information is correct, to remain as a refuge area for wild life indefinitely and hopefully forever.

I think this kind of mitigation is not only beneficial to the Town, it's beneficial to all of Western New York in that it creates a balance, it creates, if you will, a state of art application of economic development in conjunction and in complement with preservation of our natural environment.

It's unfortunate that this area had to be displaced with regards to the wild life, small animals and creatures living in the area. However, it was a commercially zoned area, slated for commercial zoning at some point and I think the Town and Pyramid should be commended for this particular solution in respect to wild life mitigation. Thank you.

SUPERVISOR SWIATEK:

Thank you. Anyone else

have any comments on the
drainage system ordinance
specifically? Yes?

MR. POLANSKI: Julian Polanski,
Town resident for
30 years. I don't have
anything, no objection to progress. Progress is good.
Certain progress should be restricted. I'm only a
lay person. Those things (referring to charts) don't
mean anything. That culvert over there shows a catch
basin. Who's going to maintain keeping that clean
so that in case of any emergency, water comes down,
who's going to keep that clean so the water can't
continue through?

Another thing is in the past
and in Saturday's paper, Colonel Boyd says until they
have a complete chance to study this, no work should
be permitted to be done on that premises.

He also states that upon
their inspection, there's a violation of permit going
on and in the past you delegated an engineer to be
continuously on the property to prevent that, to see
that the work is done according to the permit and not
beyond the permit.

There's work done on the
school property which the engineer in this Town permitted
to go about. There's work being done in the ditches
that has a full effect on this Township. Where are
those stationary engineers that are supposed to be on
this project and report to you, Supervisor?

SUPERVISOR SWIATEK: What kind of work --

MR. POLANSKI: My contention is there
shouldn't be anything acted

on this thing until you get a full report from the Army Corps of Engineers and I'd like to know what is done with our taxpayers' money which Pyramid is supposed to pay eventually back to the Town for the expenses of having an engineer? Who's he reporting --

COUNCILMAN JOHNSON: To the Town and on the conditions of engaging them for the school scope of services which has to be amended to indicate review of upstream effects such as these gentlemen are concerned with is to be charged to Pyramid. And the condition of approving it is that Pyramid will accept those charges.

MR. POLANSKI: If he has been reporting to you people, has he been reporting that there's work being done without permit?

COUNCILMAN JOHNSON: Now, Camp, Dresser & McKee are being engaged to review this new design. In terms of the outfit that's to be reviewing the construction progress of Pyramid, the Department of Environmental Conservation -- Nussbaumer & Clarke, by the way, are our engineers to review, that is, the construction of the mall and the excavation of the storm water detention facilities. And the Department of Environmental Conservation is charged with stream protection and any incursions along the banks.

It's my understanding that the Corps of Engineers, by that letter, reported incursions, that Pyramid responded with a set of plans as to what it was going to do.

The Corps of Engineers, by their letter, said that those plans were inadequate to

prevent flooding and now Pyramid has submitted a revised set of plans to satisfy the Corps of Engineers and that's what's being currently reviewed by the Corps of Engineers. So we've got things under control at this point.

MR. POLANSKI:

Mr. Cannon mentioned there might be a nominal upstream effect. What's "nominal"

to him could be a catastrophe to a minor small person with a flood, with 6 feet of water with a little sump pump. That's nominal for a businessman but it's going to be a catastrophe for a small person and that's what I want to make sure it doesn't happen.

COUNCILMAN JOHNSON:

We are.

SUPERVISOR SWIATEK:

I should point out that we have a meeting every Friday morning at 9:00 o'clock

to review the work by Pyramid or review the report by our consultants and we want to make sure that work is not being done without any authority. All right.

MR. KMIOTEK:

Mr. Supervisor, Town Council,
my name is Ron Kmiotek,
, and I

also have been a Town resident for 15 years.

I'm here to express an opinion and I want everyone here to notice that this opinion is mine and in no way expresses the opinion of the Cheektowaga Police Department.

I've been involved in law enforcement for 24 years. I'm on the Pyramid Advisory Committee and one of the concerns of the Pyramid Company

with the new construction of the bridge was the security aspect of it. The security will be conducted in a manner where all the land will be properly posted.

The guards -- they're going to have their own security -- will be checking the premises every day, will be a daily check, more than once, if necessary. And if need be, a guard wall could be installed and it would be checked for physical evidence of candy wrappers, beer cans, anything which might -- if anyone would think that kids would be going on this project.

They're also asked about criminal activity. It's very hard to see any kind of criminal activity when you have a roadway right next to such a culvert. Your fleet of foot is no where compared to a vehicle.

Secondly, you're underground. You have no vision on top to see. On one side you look from the Thruway bridge and get a complete view of the whole area with a set of binoculars. So once it's properly posted and with daily guards checking it daily, I think you're going to have a secure project without any worries of anyone getting hurt there.

SUPERVISOR SWIATEK:

Okay, thank you. Thank you, Ron. Any other public comments?

(No response)

SUPERVISOR SWIATEK:

If not, we'll call this hearing to a close.

* * * * *

Arthur J. Caprio, R.P.R.

Cheektowaga, New York 14225

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 7th day of December, 1988 at 7:00 o'clock P.M., Eastern Standard Time, there were:

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

ABSENT: Councilman Patricia A. Jaworowicz
Councilman Andrew A. Kulyk

Also present were: Mary F. Holtz, Deputy Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Robert Lis, Chief of Police; Ron Marten, Building Inspector; Ralph Majchrowicz, Director of Administration and Finance; Bill Pugh, Assistant Town Engineer.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Swiatek Seconded by Councilman Solecki

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 December, 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 Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

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

* * * * *

NOTICE OF HEARING ON PROPOSAL TO AMEND

DOG 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 5th day of December, 1988, a public hearing will be held on December 19, 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 Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6, which pertains to local fees for dog licenses, shall be deleted and a new Section 21-6 shall be substituted in its place, such section to read as follows:

§21-6. Local fees enumerated.

A. Pursuant to §110(4) of the Agriculture & Markets Law of the State of New York, an annual dog license fee of five dollars (\$5.00) for each dog license issued by the Town of Cheektowaga, New York, will be added to the license

Item No. 2 Cont'd.

fees established by §110(1) of the Agriculture and Markets Law, such fees being as follows:

<u>Type of Dog</u>	<u>State</u>	<u>Local</u>	<u>Total Fee</u>
Neutered and spayed dogs	\$2.50	\$5.00	\$7.50
Unneutered and unspayed dogs	\$7.50	\$5.00	\$12.50

B. Pursuant to §118(4) of the Agriculture and Markets Law, impoundment fees for dogs shall be as follows:

	<u>Base Fee</u>	<u>For Each Day After First Day</u>
First Impoundment	\$15.00	
Second Impoundment (within one year of first impoundment)	\$25.00	\$5.00
Third Impoundment (within one year of first impoundment)	\$30.00	\$5.00

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

Dated: December 5, 1988

* * * * *

Upon Roll Call....

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

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..... DEC 08 1988 ;
last publication..... DEC 08 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this ^{8th}.....

day of *December*....., 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 AMEND DOG 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 5th day of December, 1988, a public hearing will be held on December 19, 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 Chapter 21 of the code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6, which pertains to local fees for dog licenses, shall be deleted and a new Section 21-6 shall be substituted in its place, such section to read as follows:

§21-6. Local fees enumerated.

A. Pursuant to §110(4) of the Agriculture & Markets Law of the State of New York, an annual dog license fee of five dollars (\$5.00) for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by §110(1) of the Agriculture & Markets Law, such fees being as follows:

Type of Dog	State	Local	Total Fee
Neutered and spayed dogs	\$2.50	\$5.00	\$7.50
Unneutered and unspayed dogs	\$7.50	\$5.00	\$12.50

B. Pursuant to §118(4) of the Agriculture and Markets Law, impoundment fees for dogs shall be as follows:

	Base Fee	For Each Day After First Day
First Impoundment	\$15.00	
Second Impoundment (within one year of first impoundment)	\$25.00	\$5.00
Third Impoundment (within one year of first impoundment)	\$30.00	\$5.00

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEK-TOWAGA, ERIE COUNTY, NEW YORK.

MARY F. HOLTZ
Deputy Town Clerk
PUBLISH: December 8, 1988

Item No. 3a Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, it is in order that bids be advertised for the purchase of dimensional and pressure treated lumber for the 1989 fiscal year, for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of dimensional lumber and pressure treated lumber, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on December 19, 1988 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* * * * *

Sealed proposals will be received by the Town Board of the Town of Cheektowaga on December 19, 1988 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for supplying dimensional lumber and pressure treated lumber.

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

DATED: December 5, 1988

* * * * *

Upon Roll Call....

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

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..... DEC 08 1988 ;
last publication..... DEC 08 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{8th}.....

day of*December*....., 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
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 19, 1988, at 11:00 AM Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying dimensional lumber and pressure treated lumber.

Information for bidders and specifications may 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 lower 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: December 8, 1988

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

WHEREAS, it is in order that bids be advertised for the purchase of custodial supplies for the 1989 fiscal year for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of custodial supplies, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on December 19, 1988 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 19, 1988 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the supplying of custodial supplies.

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

DATED: December 5, 1988

* * * * *

Upon Roll Call....

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

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
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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..... DEC 08 1988 ;
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and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{8th}.....

day of *December*....., 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
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 19, 1988, at 11:00 AM Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying of custodial supplies.

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 lower 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: December 8, 1988

Item No. 4 Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that Irene Bolszio, and Sally Citta,
be terminated as employees in the Department of Senior Services.

Upon Roll Call....

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

Item No. 5 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the imposition of state-initiated constitutional, statutory
or administrative procedures often create an increased cost to local governments,
and

WHEREAS, these costs are out of the control of local government offi-
cials who manage local units of governments, and

WHEREAS, the State of California has established a procedure to
require reimbursement to local governments for the imposition of State mandates,
NOW, THEREFORE, BE IT

RESOLVED that the Town Board, of the Town of Cheektowaga, go on
record supporting Assembly Bill A.11427, introduced by Assemblyman Tokasz and
Pillittere, and Senate Bill S.8454 known as the "New York State Mandate
Reimbursement Act", and FURTHER BE IT

RESOLVED that the Town Board of the Town of Cheektowaga call on the
2,300 counties, cities, towns, villages and school districts in New York State to
support this Bill.

Upon Roll Call....

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

Item No. 6 Amend agreement regarding review of Storm Water Management Plan
regarding Walden Galleria Mall
This item was withdrawn

Item No. 7A Authorize Supervisor to sign agreement for professional services
relating to structural crossing of Scajaquada Creek and enclosing of
U-Crest diversion ditch (Walden Galleria Mall construction)
This item was withdrawn

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

WHEREAS, the Town of Cheektowaga has received funding from the U.S.
Department of Housing and Urban Development under the Housing and Community
Development Act of 1974, for the 1988-89 Program Year, and

WHEREAS, an eligible activity under the Community Development Block
Grant Program is the provision of energy conservation programs to assist low-income
renters and homeowners, and

WHEREAS, Supportive Services Corporation of Western New York has
requested funding for the provision of energy conservation and weatherization ser-
vices for low-income Town residents, and

WHEREAS, funding for such services has been included in the Town's
1988-89 Community Development Block Grant application, NOW, THEREFORE, BE IT

Item No. 7B Cont'd.

RESOLVED that the Town Supervisor be and hereby is authorized to execute an Agreement with Supportive Services Corporation of Western New York for the provision of energy conservation and weatherization services for Town residents, and BE IT

FURTHER RESOLVED that the fee paid to Supportive Services be in the amount of \$5,000, said fee to be paid from Fiscal Year 1988-89 Community Development Block Grant funds.

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilmen Jaworowicz and Kulyk

Item No. 8 Motion by Supervisor Swiatek Seconded by Councilman Johnson

WHEREAS, pursuant to subdivision 9 of Section 64 of the Town Law of the State of New York, this Town Board has the authority to change the names of streets within the Town, and

WHEREAS, Mother of Divine Grace Church has requested that the Town change the name of Hope Avenue to Old Maryvale Drive, NOW, THEREFORE, BE IT

RESOLVED that Hope Avenue shall hereafter be known as Old Maryvale Drive, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, notify the following of such street name designation:

Assessor
Planning Board
County Clerk
County Highway Department
U.S. Post Office
Mother of Divine Grace Church

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilmen Jaworowicz and Kulyk

Item No. 9A Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga has previously executed an Agreement with the Cheektowaga Economic Development Corporation to provide Community Development Block Grant funding for the CEDC's business loan program, and

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation has approved a loan to Rosina Food Products in the amount of \$100,000 for that company's economic development project, and

WHEREAS, the Cheektowaga Economic Development Corporation has requested the Town to pre-approve the drawdown of funds necessary for said loan in anticipation of a loan closing, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby approves the future drawdown of Community Development funds from the Town's Community Development Block Grant Program Letter of Credit, and the disbursement of said funds to the Cheektowaga Economic Development Corporation in the amount not to exceed \$100,000 less the amount of program income funds available from the Cheektowaga Economic Development Corporation at the time of closing.

Item No. 9a Cont'd.

* * * * *

Motion by Councilman Johnson Seconded by Councilman Kazukiewicz to amend the above resolution by adding two sentences to the last paragraph and the voting was as follows:

Upon Roll Call....

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

* * * * *

AMENDED RESOLUTION

Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga has previously executed an Agreement with the Cheektowaga Economic Development Corporation to provide Community Development Block Grant funding for the CEDC's business loan program, and

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation has approved a loan to Rosina Food Products in the amount of \$100,000 for that company's economic development project, and

WHEREAS, the Cheektowaga Economic Development Corporation has requested the Town to pre-approve the drawdown of funds necessary for said loan in anticipation of a loan closing, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby approves the future drawdown of Community Development funds from the Town's Community Development Block Grant Program Letter of Credit, and the disbursement of said funds to the Cheektowaga Economic Development Corporation in the amount not to exceed \$100,000 less the amount of program income funds available from the Cheektowaga Economic Development Corporation at the time of closing. Said drawdown shall not be made more than 10 days prior to the scheduled closing date. In the event that the closing does not occur within 10 days of the scheduled closing date, said drawdown shall immediately be returned to the Community Development Block Grant Program.

Upon Roll Call....

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

Item No. 9B 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 one license application submitted for ambulance, and has recommended that the Town Board license such ambulance, and

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

RESOLVED that the recommendations of the Emergency Medical Services Board concerning the licensing of ambulances be and hereby are accepted and approved; and BE IT FURTHER

RESOLVED that the application for the ambulance license set forth below is hereby approved for licensing by this Town Board:

Item No. 9B Cont'd.

AMBULANCE LICENSE

<u>OWNER</u>	<u>VEHICLE: MAKE & MODEL</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
*Gold Cross Ambulance	1988 Ford Ambulance	AA 3003	586

(N)* denotes new vehicle

and, ~~BE~~ IT FURTHER

RESOLVED that the Town Clerk is hereby authorized, directed and empowered to issue ambulance license to the applicant set forth above, upon the receipt of a letter from the insurance consultant to the Town of Cheektowaga to the effect that each such ambulance so listed meets the insurance requirements set forth in the Ambulance Ordinance.

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilmen Jaworowicz and Kulyk

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

WHEREAS, a drainage ditch crosses over property known as 21 Strasmer Road in the Town, and

WHEREAS, the Town Engineering Department has recommended that the town obtain a drainage easement over such property to enable the Town to enter such property to clean the drainage ditch when necessary to provide unobstructed flow of water, and

WHEREAS, the owner of such property, M.J. Ogiony Properties, Inc., has agreed to grant the Town a drainage easement over 21 Strasmer Road, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board hereby accepts the attached drainage easement from M.J. Ogiony Properties, Inc. across property known as 21 Strasmer Road, and ~~BE~~ IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to record such easement in the Erie County Clerk's Office.

*SEE NEXT THREE PAGES FOR COPY OF EASEMENT

Box #480

EASEMENT

M.J. OGIONY
PROPERTIES, INC.

TO

99

TOWN OF CHEEKTOWAGA

Dated: December 5, 1988

EASEMENT

NEW YORK
CLERK'S OFFICE
9905
at 1118 Dec 13 1988
DAVID J. STANLEY, County Clerk
COUNTY CLERK

7-20.05-50
279-15

THIS INDENTURE, made and entered into as of the 5th day of December, 1988, by and between M.J. OGIONY PROPERTIES, INC., a domestic corporation organized under the laws of the State of New York, with its principal office and place of business located at 163 Getzville Road, Amherst, New York 14226 hereinafter referred to as the Owner, and

TOWN OF CHEEKTOWAGA, NEW YORK, a domestic municipal corporation having its principal office and place of business located at the Town Hall, Broadway and Union Road, in the Town of Cheektowaga, County of Erie and State of New York, hereinafter referred to as the Town.

WITNESSETH

THAT the Owner, in consideration of the sum of One and No/100 (\$1.00 & no more) Dollar and other good and valuable consideration paid by the Town, does hereby grant and release unto the Town a permanent right-of-way and easement for the purpose of construction, operating and maintaining at its sole cost and expense, a drainage ditch and/or storm sewer line and appurtenances thereto, in across and under that portion of the real property of the Owners described in Schedule A and shown on Schedule B annexed hereto and made a part hereof

FILED
1988 DEC -8 PM 11:12
ERIE COUNTY
CLERK'S OFFICE

11003955P 620

TOGETHER with the grant to the Town, its agents, servants and/or employees, of the right of reasonable ingress and egress over, and entry upon the real property of the Owner.

RESERVING, to the Owner, its successors and assigns, the right of reasonable ingress and egress over the easement herein unto the Town.

SUBJECT TO:

(a) the Town's maintenance of such drainage ditch and/or storm sewer line and appurtenances in good and proper condition, and

(b) the Town's causing any work performed in the exercise of the rights and privileges granted herein to be promptly completed, and causing all property of the Owner to be restored as nearly as possible to the condition the same was in immediately before the commencement of any such work, and

(c) the Town's requiring any contractor performing any such work to maintain adequate liability and worker's compensation insurance.

TO HAVE AND TO HOLD the rights and easement herein granted unto the Town, its successors and assigns forever.

Any pipes and appurtenances laid or to be laid by or for the Town, its successors and assigns, and/or its contractors, shall be and remain the property of the Town, its successors and assigns forever.

AND the said Owner covenants as follows:

First: that said Owner is seized of the said premises in fee simple, and has the good right to convey the same;

Second: that said Town shall quietly enjoy the said rights and easement;

Third: that said premises are free and clear of all liens and encumbrances in the portion of the Owner's real property described in the attached Schedule A.

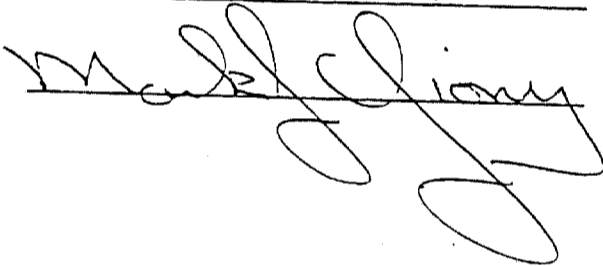
Fourth: that the Owner will execute or procure any further necessary assurances of the title to said rights and easement; and

Fifth: that said Owner will forever warrant the title to the said rights and easement.

IN WITNESS WHEREOF, the Owner has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

M.J. OGIONY PROPERTIES, INC.


By



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

On the 5th day of December, 1988, before me personally came MARK J. OGIONY, to me known, who being by me duly sworn, did depose and say that he/she resides at 163 Getzville Road, Amherst, New York, that he/she is President of M.J. OGIONY PROPERTIES, INC., the corporation described in, and which executed, the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he/she signed his/her name by like order.

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 19 89



Notary Public

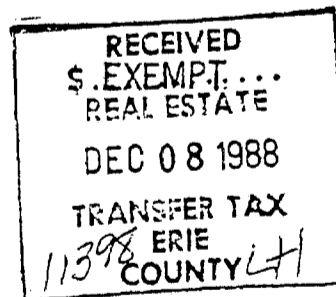
L1003955P 622

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 46, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

COMMENCING at a point on the south boundary line of Strasmer Road (a 60.0 foot wide highway) at the northwest corner of property conveyed to Norman Greenauer & 1 by deed recorded in the Erie County Clerk's Office in Liber 7231 of Deeds at Page 643; thence southerly an an exterior angle of 89°39'40" along the west property line of said property conveyed to Norman Greenauer & 1 a distance of 91.0 feet to the POINT OR PLACE OF BEGINNING;

THENCE southeasterly a distance of 109.42feet to a point on the east property line of said property conveyed to Norman Greenauer & 1, said point being 135± feet south of the intersection of the south line of Strasmer Road and the east line of said property conveyed to Norman Greenauer & 1; thence southerly along the east property line of said property conveyed to Norman Greenauer & 1 a distance of 60.0 feet; thence northwesterly along a line parallel with and 60.0 feet southerly from the aforementioned northerly line of this easement a distance of 109.42feet to a point on the west property line of said property conveyed to Norman Greenauer & 1, said point being 151.0feet south of the intersection of the south boundary line of Strasmer Road and the west property line of said property conveyed to Norman Greenauer & 1; thence northerly along the west property line of said property conveyed to Norman Greenauer & 1 a distance of 60.0 feet to the point or place of beginning.

SCHEDULE A

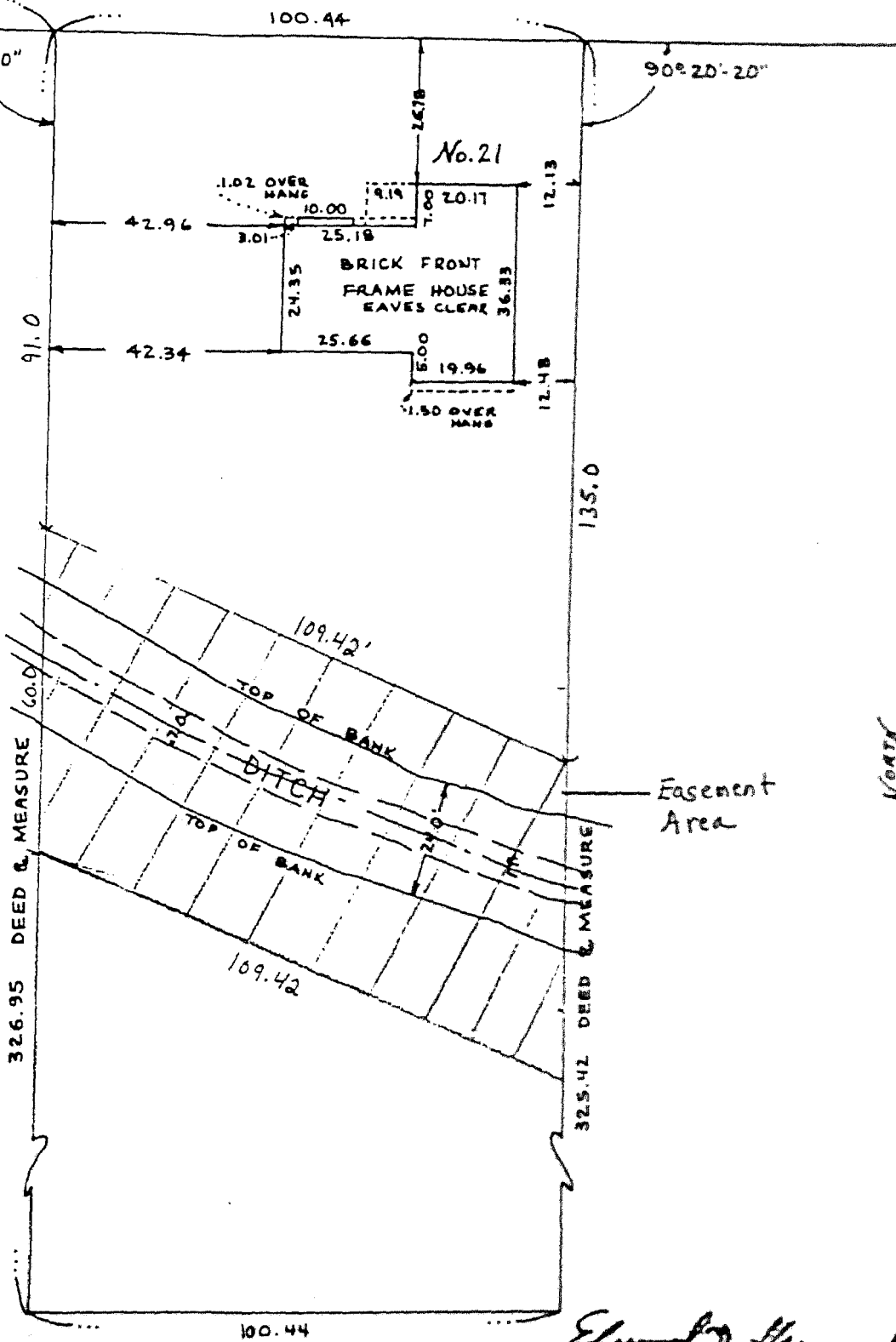


L1000955P 623

SCHEDULE B

STRASMER (66' WIDE) ROAD

16.94 TO $\frac{1}{2}$ OF
ORDEN ROAD (80')



AS. ON FOUNDATION

PART OF PART OF LOT-46, TOWNSHIP-10, RANGE-7	
TOWNSHIP OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK	
DATE	TYPE
4, 1988	LOCATED HOUSE
PART OF LOT 46 SECTION	
TOWNSHIP 10 RANGE 7	
NOTE: Unauthorized alteration or addition to this sur-	

Elwood D. Hummel

ELWOOD D. HUMMEL L.S.
Land Surveyor
N.Y.S. License No. 35809
341 SOUTH STREET
EAST AURORA, N. Y. 14052
852-8555

Item No. 10 Cont'd.

Upon Roll Call....

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

Item No. 11 Motion by Councilman Johnson 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 November 18, 1988, rendered the determinations shown on the attached memo dated November 23, 1988,, and

WHEREAS, this Town Board has reviewed the applications submitted and 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 November 23, 1988 memo attached hereto:

Item III
Referral

60 Innsbruck
Reinstein Woods

*SEE NEXT THREE PAGES FOR COPY OF MEMO

OFFICE OF
BUILDING & PLUMBING INSPECTIONS

RONALD MARTEN

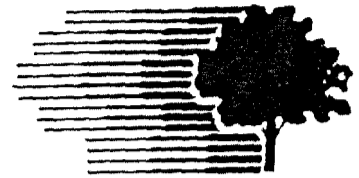
Supervising Bldg. and Plbg. Inspector

Town Hall, Broadway and Union Road

Cheeklowaga, New York 14227

686-3470

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

M E M O

RECEIVED

NOV 23 1988

TOWN ATTORNEY

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

FROM: Thomas Adamczak
Building Inspector

DATE: November 23, 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 November 18, 1988, in the Town Hall Council Chambers.

ITEM I 1101 Aero Drive - Proposed Construction Of
Three 30' x 100' Self-Serve Warehouses

Applicant: Bissell, Stone Associates

Determination: Withdrawn

After some discussion between the Committee members and the applicant this item was withdrawn due to inconsistencies with the plan submitted and the applicant's intention. Apparently there was a mistake on the part of the engineering firm as far as the site details.

ITEM II 496 Kennedy Road - 7,625 Sq. Ft. Addition

Applicant: Telfair Construction Corp.

Determination: Tabled

The applicant proposes to construct an addition for Diversified Dairy Products. This addition would be used for storage with a small loading dock facility. The area at present is utilized for warehousing and manufacturing uses therefore would be compatible with the surrounding area.

RE: EQR - November 18, 1988
November 23, 1988
Page 2

The applicant had been before the Zoning Board of Appeals at their regular September 21st meeting and was granted a variance for the rear yard set-backs, but the Committee, after further discussion observed that a front yard variance would also be required for this addition. Therefore it was suggested that the applicant contact the Law Department to determine if a front yard set back variance was granted and omitted from the official decision of the Zoning Board of Appeals or if in fact the applicant would have to re-apply.

Also this item must be presented to the Planning Board for approval of landscaping.

As a result of these requirements the Committee felt that tabling this item was necessary.

ITEM III 60 Innsbruck - Proposed 6,000 Sq. Ft.
Office Building

Applicant: Telco Construction Inc.

Determination: Non-Significant With Stipulations

The applicant proposes to construct an office building in the new Gardenville Industrial Parkway North. This office will be utilized by a collection agency. It is located on a large parcel and is compatible with the surrounding and anticipated uses for the area.

The landscaping plan must be submitted to the Planning Board for approval and a final drainage plan must be submitted to the Town Engineering and Highway Department for their approval since the plan that was submitted must be revised as a result of the Committee's discussions with the applicant.

REFERRAL

This Committee received a Negative Declaration from the NYSDEC with regard to the construction of a Interpretive Nature Center and Handicapped Accessible Boardwalk within the Dr. Victor Reinstein Woods Nature Preserve. The NYSDEC has determined that there would be no adverse impact created by the construction of these items and would further result in public education in the area of nature, especially for the handicapped public.

RE: EQR - November 18, 1988 .
November 23, 1988
Page 3

The Committee is of the opinion that the Negative Declaration should stand since the NYSDEC is best suited to act as Lead Agency but did have one concern and that was with regard to fire protection for the learning center. They were concerned that there may be an inadequate water supply for fire fighting purposes at the end of Honorine Drive and would advise the NYSDEC to research same.

MEETING NO. 27
December 5, 1988

Item No. 11 Cont'd.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the developer of the Losson Green Estates Subdivision has furnished and installed thirteen (13) 5200 lumen H.P.S. post top luminaires, fiberglass standards and related conduit and conductors as required in conjunction with the development of Phase 8 of the subject subdivision, NOW, THEREFORE, BE IT

RESOLVED that the New York State Electric & Gas Corporation be and hereby is authorized to connect a total of thirteen (13) 5200 H.P.S. post top luminaires within Phase 8 of the Losson Green Estates Subdivision, on Hillpine Road in the Town of Cheektowaga, at an annual increase to the Town's General Lighting District of \$552.89, in accordance with the attached New York State Electric & Gas Corporation proposal dated November 29, 1988, which is hereby made part of this resolution.

*SEE NEXT PAGE FOR PROPOSAL FROM NEW YORK STATE ELECTRIC & GAS

NYSEG

November 29, 1988

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
LOSSON GREEN ESTATES - PART 8

Hillpine Road - 13 (Stds. 10,11,12,13,14,15,16,17,18,19,20,21,22)

Connect 13 - 5800 Lumen post-top high pressure sodium fixtures

Energy & lamp bulb rate @ \$ 42.53 ea. ----- \$ 552.89

(see attached sketch)

ANNUAL INCREASE ----- \$ 552.89

Fixtures, 18 ft. standards and conductors supplied and installed by developer; to be owned and maintained by the Town of Cheektowaga

Connections, energy, photo electric eyes and lamp replacements to be supplied and maintained by NYSEG

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

MEETING NO. 27
December 5, 1988

Item No. 12 Cont'd.

Upon Roll Call....

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

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

WHEREAS, it was necessary to perform a sanitary sewer main repair at #168 Central Boulevard in a timely fashion utilizing a private contractor due to the depth of the sewer line, and

WHEREAS, Mar-Wal Construction Company, Inc. was delegated to perform the required work which is outlined in the December 1, 1988 memorandum of the Assistant Town Engineer, NOW, THEREFORE, BE IT

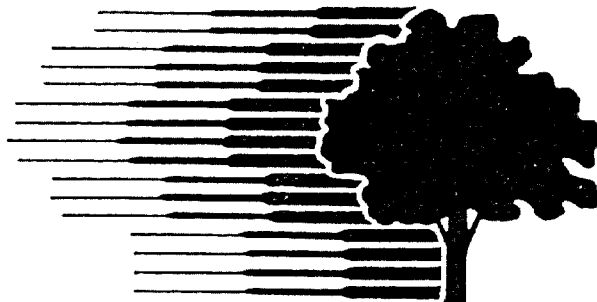
RESOLVED that the voucher of Mar-Wal Construction Company, Inc. in the amount of \$1,680.70 for labor and equipment required to make the necessary sewer repair be and hereby is approved, AND, BE IT FURTHER

RESOLVED that payment for said emergency sewer repair be and hereby is chargeable to Sanitary Sewer District #5 Sewer Repairs, Budget Item 25-8125-04-4438.

*SEE NEXT PAGE FOR COPY OF MEMORANDUM FROM TOWN ENGINEER

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

M E M O

TO: Supervisor Frank E. Swiatek
Honorable Town Board Members

FROM: William R. Pugh, P.E.
Assistant Town Engineer

RE: Emergency Sewer Repair
#168 Central Boulevard

DATE: December 1, 1988

A resolution is being submitted for Town Board approval for a repair to the 10" V.T.P. sanitary sewer main at #168 Central Boulevard in Sanitary Sewer District No. 5, said repair work being performed by Mar-Wal Construction Company at a cost of \$1,680.70.

On November 17, 1988 James Burst, Sewer Maintenance Foreman, Jack Ludtka, Plumbing Inspector, and I met on site at this location where a private plumbing contractor hired by the homeowner of #168 Central Boulevard had been working for three (3) days to repair the house lateral, a portion of which was totally obstructed with roots from large nearby silver maple trees. This private plumbing contractor had removed the riser and had hand dug at the tap exposing our Town sewer main which was found to be cracked and deteriorated, with the bottom of the vitrified tile pipe missing. Due to the fact that the excavation was open to a depth of approximately fourteen (14) feet beyond the reach of our Sewer Department backhoe, it was necessary to repair the deteriorated section of the Town sewer main as soon as possible utilizing an outside contractor.

On November 18, 1988 a number of contractors were contacted and Mar-Wal Construction Company, whom could mobilize the necessary equipment, was hired to perform the subject repair. Work was performed on November 19, 1988 by Mar-Wal Construction Company which involved further excavation and the replacement of 6.5 feet of sewer main, with assistance and materials being provided by Sewer Maintenance personnel.

WRP:dms

MEETING NO. 27
December 5, 1988

Item No. 13 Cont'd.

Upon Roll Call....

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

Item No. 14 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:	0599.0000	(Appropriated Fund Balance)	\$ 54,040.61
	1910.4711	(Contingency)	56,513.30
	1910.4711	(Contingency)	1,700.00
	1910.4711	(Contingency)	200.00
	1625.4211	(Utilities)	1,500.00
	7110.4211	(Utilities)	1,500.00
	7140.4025	(Athletic Supplies)	100.00
	7620.4491	(Special Events)	656.25
TO:	1910.4711	(Contingency)	54,040.61
	1440.4594	(P.I.P. Consultants)	56,513.30
	7550.4374	(Polish Festival)	1,700.00
	1010.1391	(Part Time Clerical-Council Office)	200.00
	1625.4432	(Repairs & Maintenance)	1,500.00
	7110.4451	(Bldgs. & Grounds Maintenance)	1,500.00
	7140.4024	(Arts & Crafts)	100.00
	7620.4682	(Food Distribution)	656.25

Upon Roll Call....

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

Item No. 15 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 December 5, 1988 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$2,338,881.69
HIGHWAY FUND	464,296.61
CAPITAL FUND	799,186.49
TRUST & AGENCY FUND	488,752.20
HUD-CDBG FUND	620.00
PART TOWN FUND	30,589.75
HUD-REHAB. FUND	24,896.25
RISK RETENTION FUND	72,960.33
SPECIAL DISTRICT FUND	795,171.73
	<u>\$5,015,355.05</u>

Upon Roll Call....

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

II. DEPARTMENTAL COMMUNICATIONS

- Item No. 16 Building Permits
Received and filed.
- Item No. 17 Deloitte, Haskins & Sells, Auditors: Audit of Receiver of Taxes,
Town Clerk and Town Justices for 1987.
Received and filed.

III. GENERAL COMMUNICATIONS

- Item No. 18A New York State Department of Transportation: Notice of Order:
Repeal pedestrian features, add signal head facing school driveway
and delete signal head facing east - Union Road.
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary; Cheektowaga Traffic Safety
Commission; Robert Lis, Chief of Police; and Christopher Kowal,
Highway Superintendent.
Received and filed.
- Item No. 18B New York State Department of Transportation: Notice of Order:
Prohibit turn on red from Thruway Ramp WA onto Walden Avenue at traf-
fic signal #477
Copies of this Notice were sent to: Frank E. Swiatek, Supervisor;
Karen McAuley, Council Secretary; Cheektowaga Traffic Safety
Commission; Robert Lis, Chief of Police; and Christopher Kowal,
Highway Superintendent.
Received and filed.

* * * * *

Motion by Councilman Johnson Seconded by Councilman Gabryszak to
suspend the rules to include the following two items, and the voting was as follows:

Upon Roll Call....

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

* * * * *

IV. SUSPENSION OF RULES

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

WHEREAS, this Town Board engaged the services of EMS Consulting to
conduct an Engineering Analysis and Traffic Control Study on Losson Road at the
intersection of the proposed Towers Blvd. extension and at the Losson Road/Philip
Drive intersection, and

WHEREAS, the recently completed traffic analysis report performed by
EMS Consulting recommends the installation of a flashing traffic signal at the
intersection of Losson Road and Philip Drive, NOW, THEREFORE, BE IT

RESOLVED that this Town Board supports the recommendation of EMS
Consulting for the installation of a flashing traffic signal at the Losson
Road/Philip Drive intersection and hereby directs the Town Engineer to make applica-
tion to the Erie County Department of Highways for a traffic signal permit for the
aforesaid intersection.

Item No. 19 Cont'd.

Upon Roll Call....

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

Item No. 20 Motion by Supervisor Swiatek Seconded by Councilman Johnson

BE IT RESOLVED that the following individual be and hereby is hired as a seasonal/part-time employee in the Police Department at the rate of \$3.35 per hour:

Kerry Ertel

AND, BE IT FURTHER

RESOLVED that the term shall run from December 26, 1988 to January 20, 1989.

Upon Roll Call....

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

Item No. 21 Motion by Councilman Kazukiewicz Seconded by Councilman Solecki to adjourn the meeting.

December 5, 1988

Mary F. Holtz
Deputy Town Clerk

PUBLIC HEARING

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 28 December 19, 1988</u>	
2	Amendment to Dog Ordinance	1-2

R E S O L U T I O N S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 28 December 19, 1988</u>		
3	Designation of date of next Town Board Meeting	2
4	Decision on amendment to Dog Ordinance	3
5	Call for public hearing for amendment to Traffic Ordinance	4-5
6	AWARD OF BIDS:	
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	b. Leasing and servicing of portable chemical toilets	6
7	NOTICE TO BIDDERS:	
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	b. Athletic White Stripe	8
	c. Work Uniforms	9
8	Abandonment of Kausel Avenue	10
9	Memorialize United States to seek safe return of Co. Standerwick and other Americans being held prisoners overseas	11
10	ACCEPTANCE OF SETTLEMENT AGREEMENT REGARDING ASSESSMENT PROCEEDINGS:	
	a. IC Group, Inc.	11-12
	b. William P. Hart, general partner of WPH Gateway Associates	13
11	Extension of time regarding installation of street lighting for Innsbruck Drive	14
12	AUTHORIZE SUPERVISOR TO EXECUTE/SIGN:	
	a. Settlement Agreement (re: Walden Galleria)	15
	b. License Agreement with Mr. & Mrs. Hart	16
	c. Agreement with Ecology & Environment	17
13	RETAIN FIRM REGARDING:	
	a. Preventative Maintenance & Service Programs for Town Bldgs.	18
	b. Assessment review proceeding	18-19
14	Appointment to temporary position of Sewer Maintenance Man	19
15	HIRING:	
	a. Counselor II in Youth Bureau's Adapted Recreation Program	19
	b. Seasonal/Part-time help in various departments	20
16	Sick leave extension for Clerk-Typist in Justice Court	20
17	Reassignment of Police Officer to Patrol Division	20-21
18	Permission to install hydrants in Woodlands at the Park Subdiv.	21
19	Change Order - Firemen's Park Comfort Station	21
20	Transfer of Funds	22-24
21	Warrant List	24-25

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 28 December 19, 1988</u>	
22	MINUTES OF MEETINGS HELD IN NOVEMBER:	
	a. Planning Board	25
	b. Library Board	25

GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 28 December 19, 1988</u>	
23	E.C. Health Department - Certificate of approval of realty subdivision plans - Cayuga Creek Estates	25
24	Judicial Subpeona - Brown/Devlin Associates vs Town of Chktg.	25
25	Notice of Claim - Elizabeth Zakrzewski, an infant by Joanne Zakrzewski vs Town of Cheektowaga	25
26	Letter from Town resident regarding replacement of historical markers near Bennet Family Cemetery	25

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. 28 December 19, 1988</u>	
27	AUTHORIZATION FOR TOWN CLERK TO ISSE: a. Renewal licenses for EMS Drivers/Attendants b. New licenses for EMS Drivers/Attendants	25-26 27
28	Authorize Supervisor to sign agreement for professional services regarding structural crossing of Scajaquada Creek and closing of U-Crest Diversion Ditch	28
29	Notice to Bidders - Emergency Snow removal	29
30	Approval of construction of new sidewalks regarding proposed construction of transit Road by N.Y.S. Dept. of Trans.	30
31	Transfer of Funds	30

SPECIAL MEETING

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 29 December 29, 1988</u>	
2	Termination of part-time/seasonal employees	1
3	Hiring of van driver and Nutrition Site Manager for Senior Services	1
4	Authorization for Erie County Water Authority to relocate several fire hydrants on portion of French Road	1-2
5	Acceptance of land adjacent to Town's volunteer Firemen's Memorial Park	2
6	Transfer of Funds	3-4
7	Warrant List	5-6

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 December, 1988 at 7:00 o'clock P.M., Eastern Standard 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: Mary F. Holtz, Deputy Town Clerk; James Kirisits, Town Attorney; Christopher Kowal, Highway Superintendent; Earl Loder, Disaster Coordinator; Bill Pugh, Assistant Town Engineer; Bruce Fenwick, Coordinator of Employee Relations; Casey Kozminski, Town Assessor; Pat Wojcik, Director of Senior Services; Robert Lis, Chief of Police; Ralph Majchrowicz, Director of Administration and Finance; Chester Bryan, Town Engineer; Ron Marten, Building and Plumbing Inspector; Pat Staniszak, Coordinator of Youth Programs.

* * * * *

The Town Board Welcomed former Supervisor Daniel E. Weber

* * * * *

Congratulations were sent out to Judge John V. Rogowski on his election to Erie County Court Judge.

A Proclamation was presented designating Tuesday, December 20, 1988 as "John V. Rogowski Day."

* * * * *

I. PUBLIC HEARINGS

This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 21 of the Code of the Town of Cheektowaga, ("Dog Ordinance") 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:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6, which pertains to local fees for dog licenses, shall be deleted and a new Section 21-6 shall be substituted in its place, such section to read as follows:

Item No. 2 cont'd

§21-6. Local fees enumerated.

A. Pursuant to §110(4) of the Agriculture & Markets Law of the State of New York, an annual dog license fee of five dollars (\$5.00) for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by §110(1) of the Agriculture and Markets Law, such fees being as follows:

<u>Type of Dog</u>	<u>State</u>	<u>Local</u>	<u>Total Fee</u>
Neutered and spayed dogs	\$2.50	\$5.00	\$7.50
Unneutered and unspayed dogs	\$7.50	\$5.00	\$12.50

B. Pursuant to §118(4) of the Agriculture and Markets Laws, impoundment fees for dogs shall be as follows:

	<u>Base Fee</u>	<u>For Each Day After First Day</u>
First Impoundment	\$15.00	
Second Impoundment (within one year of first impoundment)	\$25.00	\$5.00
Third Impoundment (within one year of first impoundment)	\$30.00	\$5.00

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. See Item No. 4 in this meeting.

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, this Town Board normally meets on the first and third Mondays of each month, and

WHEREAS, the first Monday in January of 1989 is January 2, 1989, a Town holiday, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the first Town Board meeting in 1989 shall be held on Tuesday, January 3, 1989 at 7:00 P.M. in the Council Chambers of the Town Hall, corner of 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

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..... *DEC 22 1988* ;
last publication..... *DEC 22 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *22nd*

day of *December*, 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 19th day of December, 1988 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

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

Councilman Patricia A. Jaworwicz
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 Kazukiewicz

WHEREAS, this Town Board normally meets on the first and third Mondays of each month, and

WHEREAS, the first Monday in January of 1989 is January 2, 1989, a Town holiday, NOW, THEREFORE,
BE IT

RESOLVED that the first Town Board meeting in 1989 shall be held on Tuesday, January 3, 1989 at 7:00 P.M. in the Council Chambers of the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York

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: December 22, 1988

Item No. 4 Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, it was proposed that Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") be amended, and

WHEREAS, this Town Board held a public hearing on December 19, 1988 to consider the advisability of adopting proposed amendments to the Dog Ordinance; said hearing being held in accordance with the notice thereof which was duly published as required by law and at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof, and

WHEREAS, it is in the public interest to adopt such amendments to the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the Dog Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6, which pertains to local fees for dog licenses, shall be deleted and a new Section 21-6 shall be substituted in its place, such section to read as follows:

§21-6. Local fees enumerated.

A. Pursuant to §110(4) of the Agriculture & Markets Law of the State of New York, an annual dog license fee of five dollars (\$5.00) for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by §110(1) of the Agriculture and Markets Law, such fees being as follows:

<u>Type of Dog</u>	<u>State</u>	<u>Local</u>	<u>Total Fee</u>
Neutered and spayed dogs	\$2.50	\$5.00	\$7.50
Unneutered and unspayed dogs	\$7.50	\$5.00	\$12.50

B. Pursuant to §118(4) of the Agriculture and Markets Laws, impoundment fees for dogs shall be as follows:

	<u>Base Fee</u>	<u>For Each Day After First Day</u>
First Impoundment	\$15.00	
Second Impoundment (within one year of first impoundment)	\$25.00	\$5.00
Third Impoundment (within one year of first impoundment)	\$30.00	\$5.00

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 December 19, 1988; and that a certified copy 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 Dog Ordinance shall take effect as of February 1, 1989.

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..... DEC 22 1988 ;
last publication..... DEC 22 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 22nd

day of December....., 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 19th day of December, 1988 at 7:00 o'clock p.m. Eastern Standard 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 Kazukiewicz

WHEREAS, it was proposed that Chapter 21 of the Code of the Town of Cheektowaga ("Dog Ordinance") be amended, and

WHEREAS, this Town Board held a public hearing on December 19, 1988 to consider the advisability of adopting proposed amendments to the Dog Ordinance; said hearing being held in accordance with the notice thereof which was duly published as required by law and at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof, and

WHEREAS, it is in the public interest to adopt such amendments to the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the Dog Ordinance be and hereby is amended and changed as follows:

1. RESOLVED THAT ARTICLE II, LICENSE FEES, Section 21-6, which pertains to local fees for dog licenses, shall be deleted and a new Section 21-6 shall be substituted in its place, such section to read as follows:

Section 21-6. Local fees enumerated.

A. Pursuant to Section 110(4) of the Agriculture & Markets Law of the State of New York, an annual dog license fee of five (\$5.00) for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by Section 110(1) of the Agriculture and Markets Law, such fees being as follows:

Type of Dog	State	Local	Total Fee
Neutered and spayed dogs	\$2.50	\$5.00	\$7.50
Unneutered and unspayed dogs	\$7.50	\$5.00	\$12.50

B. Pursuant to Section 118(4) of the Agriculture and Markets Law, impoundment fees for dogs shall be as follows:

	Base Fee	For Each Day After First Day
First Impoundment	\$15.00	
Second Impoundment (within one year of first impoundment)	\$25.00	\$5.00
Third Impoundment (within one year of first impoundment)	\$30.00	\$5.00

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 December 19, 1988; and that a certified copy 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 Dog Ordinance shall take effect as of February 1, 1989.

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 CERTIFIED 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 December 19, 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 meeting of said Board, and such minutes appear at item 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 December, 1988.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: December 22, 1988

Item No. 5 Motion by Councilman Johnson, Seconded by Councilman Kulyk

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic Ordinance) be held on the 3rd day of January, 1989 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 attached Notice of Hearing in the CHEEKTOWAGA TIMES on the 22nd day of December, 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 January 3, 1988 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic Ordinance); said proposed amendments being as follows:

1. RESOLVED THAT ARTICLE IX - SPEED REGULATIONS, Section 76-90.A.(2) shall be amended to add the words "and county" after the word "town" and before the word "roads" and to add the following named county roads to such subsection:

Name of Street	Limits
Aero Drive	between 0.1 mile east of Holtz Drive west to Williamsville Village line
Beach Road	from Genesee Street to Amherst town line
Bennett Road	from Union Road to Como Park Boulevard
Borden Road	from Broadway to West Seneca town line
Cayuga Road	from Genesee Street to Amherst town line
Cayuga Creek Road	Entire length
Cleveland Drive	from Cayuga Road to Buffalo city line
Como Park Boulevard	from Union Road to Lancaster town line
Dick Road	Entire length
Dingens Street	from Cass Avenue to Buffalo city line
Eggert Road	Entire length
French Road	Entire length
George Urban Boulevard	from Union Road to Depew village line from Genesee Street to Union Road
Holtz Road	Entire length
Kensington Avenue	from Buffalo city line to Amherst town line
Losson Road	from Union Road to Transit Road
Maryvale Drive	from Pine Ridge Road to Sandstone from Beach Road to Cayuga Road
Pine Ridge Road	Entire length
Rowley Road	from Indian Road to Depew village line
William Street	from Union Road to Buffalo city line

Item No. 5 cont'd

2. RESOLVED THAT ARTICLE IX - SPEED REGULATIONS, Section 76-90.A.(3) shall be amended to read as follows:

(3) The following county road(s) shall have an established speed limit of forty-five (45) miles per hour:

Name of Street	Limits
Aero Drive	between 0.1 mile east of Holtz Drive to Transit Road (N.Y. Route 78)

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

Dated: December 19, 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..... DEC 22 1988 ;
last publication..... DEC 22 1988 ;
and that no more than six days intervned be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 22nd

day of December, 19 88

..... *Justine D. Dembik*

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

JUSTINE D. DEMBIK
NOTARY PUBLIC, STATE OF NEW YORK
ERIE COUNTY
DEC 22 1988

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga on January 3, 1989 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic Ordinance); said proposed amendments being as follows:

1. RESOLVED THAT ARTICLE IX - SPEED REGULATIONS, Section 76-90.A.(2) shall be amended to add the words "and county" after the word "town" and before the word "roads" and to add the following named county roads to such subsection:

<u>Name of Street</u>	<u>Limits</u>
Aero Drive	between 0.1 mile east of Holtz Drive west to Williamsville Village Line
Beach Road	from Genesee Street to Amherst town line
Bennett Road	from Union Road to Como Park Boulevard
Borden Road	from Broadway to West Seneca town line
Cayuga Road	from Genesee Street to Amherst town line
Cayuga Creek Road	Entire length
Cleveland Drive	from Cayuga Road to Buffalo city line
Como Park Boulevard	from Union Road to Lancaster town line
Dick Road	Entire length
Dingens Street	from Cass Avenue to Buffalo city line
Eggert Road	Entire length
French Road	Entire length
George Urban Boulevard	from Union Road to Depew village line
Holtz Road	from Genesee Street to Union Road
Kensington Avenue	Entire length
Losson Road	from Buffalo city line to Amherst town line
Maryvale Drive	from Union Road to Transit Road
Pine Ridge Road	from Pine Ridge to Sandstone
Rowley Road	from Beach Road to Cayuga Road
William Street	Entire length
	from Indian Road to Depew village line
	from Union Road to Buffalo city line

2. RESOLVED THAT ARTICLE IX - SPEED REGULATIONS, Section 76-90.A.(3) shall be amended to read as follows:
(3) The following county road(s) shall have an established speed limit of forty-five (45) miles per hour:

<u>Name of Street</u>	<u>Limits</u>
Aero Drive	between 0.1 mile east of Holtz Drive to Transit Road (N.Y. Route 78)

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

RICHARD M. MOLESKI
Town Clerk
PUBLISH: December 22, 1988

Item No. 6a Motion by Councilman Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, Bid Proposals were received for the furnishing of Pool Maintenance Chemicals for the Facilities Department, on December 5, 1988, and

WHEREAS, said Proposals have been reviewed for compliance under the terms of the Specifications, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby awards said Bid for Pool Maintenance Chemicals to:

- | | | |
|-----------------------|----------|-------------------------------------|
| Aloen Pools, Inc. | Item I | Bromine @ \$2.258 per lb. |
| 12890 Broadway | Item II | Diatomaceous Earth @ \$.25 per lb. |
| Aloen, New York 14004 | Item III | Sodium Bicarbonate @ \$.39 per lb. |
| 937-3341 | Item IV | Soda Ash @ \$.225 per lb. |

Upon Roll Call....

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

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

WHEREAS, Bid Proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 5, 1988, and

WHEREAS, said proposals have been reviewed for compliance under the terms of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby awards said Bid for the Leasing and Servicing of Portable Chemical Toilets to:

Johnny on the Spot, Inc.
P.O. Box 546
N. Tonawanda, New York 14120

for

- Category I
- Items I through VII - @ \$ 1.70 per day per unit
- Category II
- Items I and II - @ \$31.00 per day per unit
- Category III
- Item I - @ \$ 5.50 per day per unit

Motion by Councilman Solecki, Seconded by Councilman Kulyk to table the above item. The voting was as follows:

Upon Roll Call....

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

THE ABOVE ITEM WAS TABLED.

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

BE IT RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for furnishing of baseball and football equipment to the Town of Cheektowaga Recreation Department. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on January 3, 1989 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 3, 1989 at 11:00 A.M., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for baseball and football equipment.

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

The bidder agrees to make every attempt to deliver all contracted items in SIXTY (60) DAYS OR LESS from the date of order and to notify the Town of Cheektowaga Recreation Department at once in the event the manufacturer or supplier causes a delay and bidder cannot comply. Bidder may be requested to present in writing reasons for all delays.

The Town of Cheektowaga reserves the right to request samples of any or all items which are bid as "equals" to the item originally designated.

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

Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and/or delete certain items if it deems necessary.

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

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..... DEC 22 1988 ;
last publication..... DEC 22 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this 22nd

day of December....., 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 January 3, 1989 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for baseball and football equipment.

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

The bidder agrees to make every attempt to deliver all contracted items in **SIXTY (60) DAYS OR LESS** from the date of order and to notify the Town of Cheektowaga Recreation Department at once in the event the manufacturer or supplier causes a delay and bidder cannot comply. Bidder may be requested to present in writing reasons for all delays.

The Town of Cheektowaga reserves the right to request samples of any or all items which are bid as "equals" to the item originally designated.

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

Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and/or delete certain items if it deems necessary.

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: December 22, 1988

Item No. 7b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, requires Athletic White Stripe for the purpose of lining athletic fields, and

WHEREAS, a Notice to Bidders for said Athletic White Stripe was advertised at the Town Board Meeting of November 21, 1988, and

WHEREAS, bids for said Athletic White Stripe were scheduled to be received on December 5, 1988 and no bids were received, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of Athletic White Stripe, and BE IT FURTHER

RESOLVED that the specifications for said Athletic White Stripe may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, and BE IT FURTHER

RESOLVED that sealed bids will be received on the third day of January, 1989 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

* * * * *

TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on January 3, 1989 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying of Athletic White Stripe for the year 1989.

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.

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

RICHARD M. MOLESKI
Town Clerk

Dated: December 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..... *DEC 22 1988* ;
last publication..... *DEC 22 1988* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *22nd*

day of *December*, 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 of Cheektowaga on January 3, 1989 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the supplying of Athletic White Stripe for the year of 1989.

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

The Town Board reserves the right to conder 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: December 22, 1988

Item No. 7c Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 1989 for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year of 1989, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 4th day of January, 1989 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on January 4, 1989 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the furnishing of work uniforms for the year of 1989.

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.

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

RICHARD M. MOLESKI
Town Clerk

Dated: December 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..... DEC 22 1988 ;
last publication..... DEC 22 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{22nd}.....

day of^{December}....., 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 and considered by the Town of Cheektowaga on January 4, 1989 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the furnishing of work uniforms for the year of 1989.

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

The Town Board reserves the right to consider and submit 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: December 22, 1988

Item No. 8 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, George K. Hambleton and Gertrude S. Carr, own real property which borders Kausel Avenue, a so-called paper street, in the Town of Cheektowaga; and they have petitioned the Town for the abandonment of such paper street; and

WHEREAS, a survey of part of Kausel Avenue, made by John E. Covey, Land Surveyor, dated May 23, 1978, shows such paper street as being 40 feet wide by 465.84 feet in length, commencing at Union Road; and

WHEREAS, records in the Town Assessor's Office disclose that Kausel Avenue is not on the assessment rolls; and

WHEREAS, investigation has shown that the aforesaid paper street has never been opened, dedicated, used or laid out as a town highway at any time; and more particularly has not been traveled or used as a highway for at least 6 years and is not maintained in any way by the Town,

NOW, THEREFORE, ~~BE~~ IT RESOLVED that the aforesaid paper street which is more particularly described in the petition of George Hambleton and Gertrude S. Carr be and the same is hereby abandoned as a town highway, as is provided in section 205 of the Highway Law of the State of New York, subject to any and all utilities, water, storm and/or sanitary sewer pipes or easements or record, and ~~BE~~ IT FURTHER

RESOLVED that this Town Board execute a written consent that the Town Superintendent of Highways file and cause to be recorded in the Town Clerk's Office a written description, signed by him, and by this Town Board of the highway so abandoned.

* See next eleven (11) pages for written consent.

Upon Roll Call....

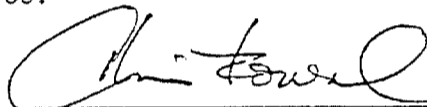
AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

I, the undersigned Town Superintendent of Highways of the Town of Cheektowaga, in the County of Erie, hereby certify that the premises described on Schedule "A" and designated as a proposed street on a map filed in the Erie County Clerk's Office under Cover No. 293 has not been opened or worked for more than six years last past, and that the same has been abandoned by the public, and is not now used as a public highway.

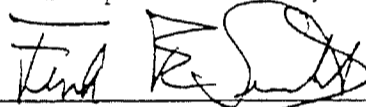
ALSO, we the undersigned members of the Town Board of the Town of Cheektowaga, constituting the whole or a majority thereof, do hereby consent to the making and filing of this Certificate, and do hereby sign the same.

THEREFORE, pursuant to Section 205 of the Highway Law, the premises described on Schedule "A", are hereby abandoned as a public right-of-way.

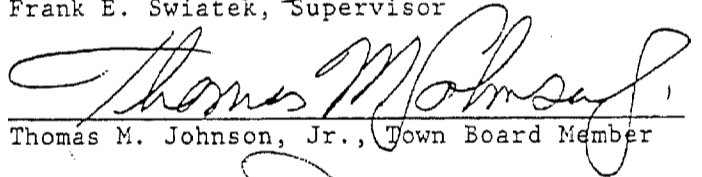
Dated: This 19th day of December, 1988.



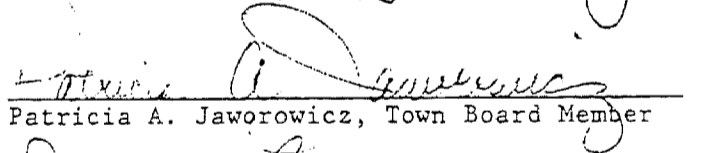
Christopher J. Kowal, Highway Superintendent



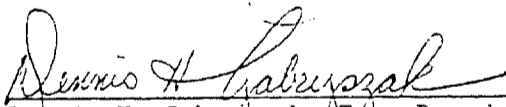
Frank E. Swiatek, Supervisor



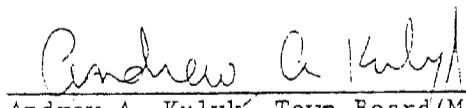
Thomas M. Johnson, Jr., Town Board Member



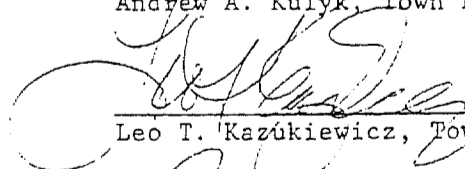
Patricia A. Jaworowicz, Town Board Member



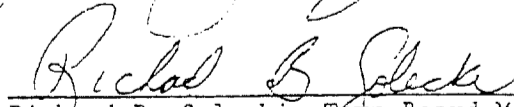
Dennis H. Gabryszak, Town Board Member



Andrew A. Kulyk, Town Board Member



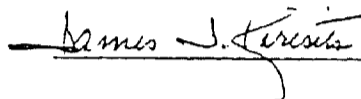
Leo T. Kazukiewicz, Town Board Member



Richard B. Solecki, Town Board Member

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

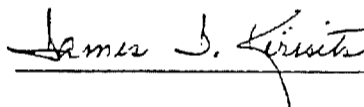
On this 19th day of December, 1988, before me personally came CHRISTOPHER J. KOWAL, to me personally known, who, being by me duly sworn did depose and say that he resides at 61 St. Felix Avenue, Cheektowaga, New York, that he is the Highway Superintendent of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.



JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

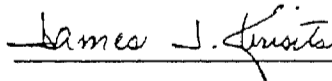
On this 19th day of December, 1988, before me personally came FRANK E. SWIATEK, to me personally known, who, being by me duly sworn did depose and say that he resides at 22 Ely Road, Cheektowaga, New York, that he is the Supervisor of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.



JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 19th day of December, 1988, before me personally came THOMAS M. JOHNSON, JR., to me personally known, who, being by me duly sworn did depose and say that he resides at 171 Meadowlawn Road, Cheektowaga, New York, that he is a Member of the Town Board of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.



JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 19th day of December, 1988, before me personally came PATRICIA A. JAWOROWICZ, to me personally known, who, being by me duly sworn did depose and say that she resides at 88 Rondelay, Cheektowaga, New York, that she is a Member of the Town Board of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that she 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; that she signed her name thereto by like order.

James J. Kirisits

JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 19th day of December, 1988, before me personally came DENNIS H. GABRYSZAK, to me personally known, who, being by me duly sworn did depose and say that he resides at 136 Barnabas Drive, Cheektowaga, New York, that he is a Member of the Town Board of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.

James J. Kirisits

JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

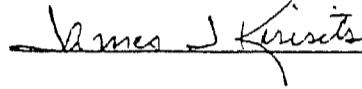
On this 19th day of December, 1988, before me personally came ANDREW A. KULYK, to me personally known, who, being by me duly sworn did depose and say that he resides at 1235 Losson Road, Cheektowaga, New York, that he is a Member of the Town Board of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.

James J. Kirisits

JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

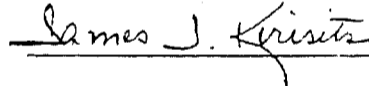
On this 19th day of December, 1988, before me personally came LEO T. KAZUKIEWICZ, to me personally known, who, being by me duly sworn did depose and say that he resides at 106 Yvette Drive, Cheektowaga, New York, that he is a Member of the Town Board of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.



JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 19th day of December, 1988, before me personally came RICHARD B. SOLECKI, to me personally known, who, being by me duly sworn did depose and say that he resides at 108 Cromwell Avenue, Cheektowaga, New York, that he is a Member of the Town Board of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.



JAMES J. KIRISITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheek-
towaga, County of Erie and State of New York, being part of Lot No. 11,
Township 11, Range 7 of the Buffalo Creek Reservation and according to
map filed in the Erie County Clerk's Office under Cover No. 293 is
known as Kausel Avenue 40 feet wide and extending 465.84 feet from Union
Road.

PETITION TO REQUEST ABANDONMENT OF
KAUSEL AVENUE, A PAPER STREET,
IN THE TOWN OF CHEEKTOWAGA,
COUNTY OF ERIE AND STATE OF NEW YORK

TO THE TOWN BOARD FOR THE TOWN OF CHEEKTOWAGA, COUNTY OF
ERIE AND STATE OF NEW YORK:

The petition of GEORGE K. HAMBLETON, JR. and GERTRUDE S.
CARR respectfully shows:

1. That your Petitioners are domiciled at 8391
Bridlewood Drive, Clarence, New York, 14032, and at 100 North Lake
Drive, Orchard Park, New York, 14127, respectively.

2. That this is a petition pursuant to Section 205 of
the Highway Law of New York to abandon Kausel Avenue, a paper
street, as established on the records of the Town of Cheektowaga.

3. That your petitioners have been the owners of the
premises shown on and outlined in green on the attached survey of
John E. Covey, P.E. for upwards of 25 years. That the other
contiguous owners to Kausel Avenue are as follows:

(a) JOHN LYSIAK & WIFE,

Buffalo, New York 14211

(Designated on aforementioned
survey as "PARCEL A")

(b) WM. GOMOLSKI & WIFE

Cheektowaga, New York 14225
(Designated on aforementioned
survey as "PARCEL B")

(c) A.H. SCHWENK, et al

Cheektowaga, New York 14227
(Designated on aforementioned
survey as "PARCEL C")

(d) MARK L. FELTON & WIFE

Cheektowaga, New York 14225
(Designated on aforementioned
survey as "PARCEL D")

That the portion of Kausel Avenue requested to be abandoned is described on Schedule "A" hereto annexed and shaded in red on said survey.

4. That also attached hereto is the Town Assessor's map showing Kausel Avenue, together with Schedule B showing the record owners as revealed on the Town Assessor's rolls.

5. That to the best of your petitioners' knowledge, that portion of Kausel Avenue, which is the subject matter of the petition, has not been traveled or used as a highway for at least

6 years and is not maintained in any way by the Town of Cheektowaga.

6. That the legal description of that portion of Kausel Avenue which is the subject matter of this petition is as follows:

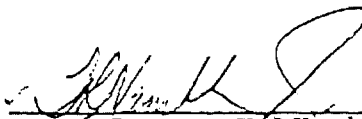
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, bounded and described as follows:

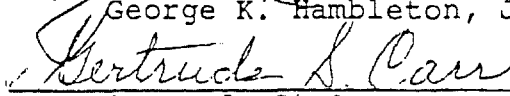
COMMENCING at the southwest corner of subplot 17 under Map Cover 293 filed in the Erie County Clerk's Office and running easterly along the south line of said subplot 17 a distance of 104.84' to the southwest corner of subplot 109, Cover 293; thence continuing easterly along the south lines of sublots 109 thru 119 inclusive under Cover 293 to the southeast corner of subplot 119, a distance of 434.84' as measured from the point of beginning; thence southerly along an extension of the east line of said subplot 119, 40' to the northeast corner of subplot 134 under Cover 293; thence westerly along the north line of sublots 134 thru 144 inclusive to the northwest corner of subplot 144; and thence continuing easterly along the north line of subplot 16 to the northwest corner of subplot 16 a total distance from the last mentioned course of 434.84'; and thence northerly along an extension of the east line of said subplot 16 a distance of 40', more or less, to the southwest corner of subplot 17, being the point or place of beginning.

WHEREFORE, your petitioners pray that the Town of Cheektowaga declare that portion of Kausel Avenue above described be abandoned pursuant to Section 205 of the Highway Law of New York, and that as evidence of such abandonment a certified copy of the Town of Cheektowaga Board's Resolution of Abandonment of said right of way be issued and filed, and a Quit Claim deed of subject

premises so abandoned be given by the Town to your petitioners and to the contiguous owners as their interests appear; and for such other measures as the Town Board deems just and reasonable.

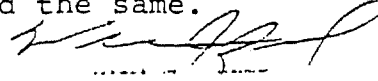
Dated: November 21st, 1988



George K. Hambleton, Jr.


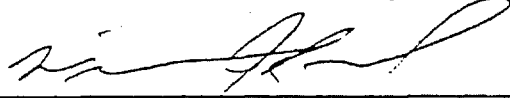
Gertrude S. Carr

On this 21st day of November, 1988, before me personally came GEORGE K. HAMBLETON, JR. to me known to be the same person described in and who executed the foregoing instrument, and such person duly swore thereto before me and duly acknowledged that he had executed the same.



NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires 12/31/93

On this 21st day of November, 1988, before me personally came GERTRUDE S. CARR to me known to be the same personal described in and who executed the foregoing instrument, and such person duly sowre thereto before me and duly acknowledged that she had executed the same.



Notary Public
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires 12/31/90

SCHEDULE "B"

Kausel

- 2-8.1, Delta Sonic Car Wash Systems Inc
 10 570 Delaware Ave., B 14202
 11 Hambleton Geo. K. Jr. & 1,
 12 Jonawanda 14150
 13 Lypiate John & W 14211

- 3-1 Hambleton (as above)
 2 Gomolski Wm. B & W, C 14225
 3 Hambleton (as above)
 4 Schwenk A H & Etal C 14227
 5 Felton Mark L & W C 14225
 6 ~~Delta~~ Delta Sonic (as above)
 15 Hambleton (as above)

- 6-1 Y. N. Burt Co. Inc.
 PO Box 1089
 B. 14240

Item No. 9 Motion by Councilman Kazukiewicz, Seconded by Unanimously

WHEREAS, nearly 600 Americans disappeared in Laos during wartime and not one prisoner was returned from that country, and

WHEREAS, one of these Americans is U.S. Air Force Col. Robert L. Standerwick, Sr., whose plane was shot down over Laos on February 3, 1971, and

WHEREAS, in an Air Force review, it was stated that Col. Standerwick was taken prisoner and may be alive, and

WHEREAS, other reports and sightings indicate that Col. Standerwick may still be alive and is being held prisoner in Laos, and

WHEREAS, Homecoming II, an organization devoted to returning Americans missing in action, is actively pursuing the return of Col. Standerwick to the United States, and

WHEREAS, this Town Board wishes to do its part to ensure that these Americans imprisoned overseas are returned to their families, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby "adopts" Col. Robert L. Standerwick, Sr. as one of our citizens and memorializes the United States to take whatever steps necessary to ensure the safe return of Col. Standerwick to this country, and BE IT FURTHER

RESOLVED that this Town Board hereby encourages the residents of the Town of Cheektowaga to write their United States government representatives, Daniel P. Moynihan, Alfonse M. D'Amato and Henry J. Nowak, and to petition them to do all they can to seek the safe return of Col. Standerwick and other Americans being held prisoners overseas, and BE IT FURTHER

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

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 10a Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, I C Group, Inc. has commenced proceedings against the Assessor, the Board of Assessment Review and the Town of Cheektowaga, pursuant to Article 7 of the Real Property Tax Law of the State of New York, for the tax years 1986, 1987 and 1988, and

WHEREAS, I C Group, Inc. and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, I C Group, Inc. and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for I C Group, Inc. and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended the attached Settlement Agreement be approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED that this Town Board does hereby approve the attached Settlement Agreement between I C Group, Inc. and the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that special counsel to the Town and the Assessor be and hereby are authorized to sign any and all legal documents necessary to effectuate such settlement, and BE IT FURTHER

Item No. 10a

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 I C Group, Inc. and the Town of Cheektowaga.

* See next eleven (11) pages

Upon Roll Call....

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

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

DEC 2 1988

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by JOY MANUFACTURING COMPANY,,

Petitioner

vs.

ORDER

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Index No.
Tax Year 1986

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by I C GROUP INC. (Joy Manufacturing
Company),

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Index No. H90642
Tax Year 1987

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by I C GROUP, INC. (Cooper Industries,
Inc.),

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Index No. 08641/88
Tax Year 1988

The Petitioners having heretofore duly commenced proceedings under Article 7 of the Real Property Tax Law to review the assessment placed upon a certain parcel of real property known as 3101 Broadway, Cheektowaga, New York, and described on the assessment rolls of the Respondents as Tax Account Nos. 102.04-3-17.11 and 102.04-3-17.12, said property being situated in the Town of Cheektowaga, County of Erie, State of New York, for review of the assessments on the said parcel of real property as of tax status date, 1986, tax status date, 1987 and tax status date, 1988; and it now being proposed that the subject proceedings be resolved upon the terms and conditions set forth in the annexed Agreement of the parties; and it appearing that the proposed Agreement is in the best interests of the parties, and upon reading and filing the same Agreement and the Affidavit of Casimir Kozminski, Assessor of the Town of Cheektowaga, pursuant to the laws of the State of New York.

NOW, on the joint motion of Davidson, Fink, Cook and Gates, attorneys for the Petitioners herein, and Joseph Galvin Sacco, Esq., attorney for the Town of Cheektowaga, New York, it is

ORDERED, that the proposed Agreement of the parties be, and the same hereby is, determined to be reasonable, just and in the best interests of the Town of Cheektowaga, and the same be and is approved; and it is further

ORDERED, that the parties shall and are hereby directed to comply with the terms and conditions of the said Agreement; and it is further

ORDERED, that the said proceedings be, and they hereby are, generally adjourned without prejudice to either party to apply upon notice for placement of the proceedings on the Trial Calendar as a preferred case should conditions set forth above not be fulfilled; and it is further

ORDERED, that the said proceedings shall remain pending until voluntarily discontinued by the parties, or until a final order or judgment, in keeping with the terms of the Agreement; and said proceedings shall not henceforth be subject to dismissal or discontinuance pursuant to the provisions of Section 718 of the Real Property Tax Law of the State of New York but shall remain in effect and pending until voluntarily discontinued or litigated to conclusion.

ORDERED, that the within Order, together with the moving affidavit of Casimir Kozminski and Agreement be entered in the Erie County Clerk's Office and a true copy thereof with notice of entry thereon be filed among the permanent records of the Assessor of the Town of Cheektowaga.

Dated: _____, 1988
Cheektowaga, New York Justice of the Supreme Court

E N T E R :

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by JOY MANUFACTURING COMPANY,,

Petitioner

vs.

AGREEMENT

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Index No.
Tax Year 1986

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by I C GROUP INC. (Joy Manufacturing
Company),

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Index No. H90642
Tax Year 1987

Respondents.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by I C GROUP, INC. (Cooper Industries,
Inc.),

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Index No. 08641/88
Tax Year 1988

Respondents.

THIS AGREEMENT made this _____ day of _____, 1988, between I C GROUP, INC. (Cooper Industries, Inc.), referred to herein as "Taxpayer", whose subject property is located at 3101 Broadway, Town of Cheektowaga, New York, JOY MANUFACTURING COMPANY, referred to herein as "Joy", and the above named assessing officials of the Town of Cheektowaga, a Municipal Corporation.

WHEREAS, taxpayer is and was in 1987 the owner of a certain parcel of real property situated in the Town of Cheektowaga, located at 3101 Broadway, and described on the assessment rolls of the said Town as Tax Account Nos. 102.04-3-17.11 and 102.04-3-17.12; and Joy was the owner of said parcels in 1986; and

WHEREAS, proceedings have been duly commenced pursuant to Article 7 of the New York State Real Property Tax Law for review of the assessment on said parcel of real property as of tax status date, 1986 by Joy, tax status date, 1987 and tax status date, 1988 by I C Group, Inc.; and

WHEREAS, the parties hereto have agreed on a total assessment on Tax Account No. 102.04-3-17.11 for 1988 of Two Million Three Hundred Thousand Dollars (\$2,300,000.00) and that this level of assessment shall govern all ad valorem taxes levied on the 1988 assessment for this Tax Account Number by the Town of Cheektowaga; and

WHEREAS, the parties hereto have agreed on a total assessment on Tax Account No. 102.04-3-17.12 for 1988 of One Million Five Hundred Eighty-one Thousand Six Hundred Dollars (\$1,581,600.00) and that this level of assessment shall govern all ad valorem taxes levied on the 1988 assessment for this Tax Account Number by the Town of Cheektowaga; and

WHEREAS, it was an express condition of the aforesaid agreement that this instrument be made and executed.

NOW, THEREFORE, IT IS AGREED by taxpayer that it will not commence any proceeding for review of the assessment of said property as of tax status date, 1989, so long as the total assessment on Tax Account No. 102.04-3-17.11 in 1989 does not exceed Two Million Three Hundred Thousand Dollars (\$2,300,000.00) and Tax Account No. 102.03-2-17.12 does not exceed One Million Five Hundred Eighty-one Thousand Six Hundred Dollars (\$1,581,600.00); and that taxpayer will not commence any proceeding for review of the assessment of said property as of tax status date, 1990 so long as the total assessment on Account No. 102.04-3-17.11 in 1989 and 1990 does not exceed Two Million Three Hundred Thousand Dollars (\$2,300,000.00) and on Account No. 102.04-3-17.12 does not exceed One Million Five Hundred Eight-one Thousand Six Hundred Dollars (\$1,581,600.00).

IT IS FURTHER AGREED by taxpayer, that in consideration of the aforesaid agreement, taxpayer will prepare, and the parties will execute, a stipulation of discontinuance of its pending proceeding for review of assessment for the year 1988; that the executed Stipulation of Discontinuance shall be filed forthwith in the Office of the Clerk of the County of Erie, New York.

IT IS FURTHER AGREED that, in consideration of the aforesaid agreement, taxpayer and Joy will prepare stipulations of discontinuance of their pending proceedings for review of assessment for the years 1986, 1987; that the executed Stipulation of Discontinuance shall be held in escrow by Joseph G. Sacco, Esq., pending the assessment of the subject property in 1989, and 1990, and fulfillment of the conditions set forth herein.

IT IS FURTHER AGREED by the parties and it is their expressed intention that the pending proceedings for judicial review of the Town's 1986 and 1987 assessments of the subject property will ~~be~~ discontinued in the event the 1988, 1989, and 1990 assessments of the subject property do not exceed the amounts set forth above and all taxes levied upon those assessments have been levied at uniform rates; otherwise such Stipulation of Discontinuance shall be null and void. Accordingly, the taxpayer and Joy agree that they will not

prosecute said proceedings in the interim so long as each assessment in 1989 and 1990 does not exceed the specified level. It is also understood, however, that taxpayer and Joy may during this period take whatever action is required to preserve such proceedings or otherwise protect their interests with respect to such proceedings. It is also understood that, in the event the final assessment of the subject property for 1988, 1989, or 1990 should exceed the level specified above, then taxpayer and Joy shall be free immediately to prosecute the pending proceedings for 1986 and 1987 and to take such action as they see fit with respect to those proceedings.

IT IS UNDERSTOOD that taxpayer and Joy, in making the above covenants not to seek judicial review of future assessments and in promising conditionally to discontinue their pending proceedings, do so in consideration of the assessment of Tax Account No. ^{10204-3-17.11} ~~107-04-3-17.11~~ as of tax status date, 1988, at Two Million Three Hundred Thousand Dollars (\$2,300,000.00) and Tax Account No. ^{10204-3-17.12} ~~107-04-3-17.12~~ as of tax status date, 1988, at One Million Five Hundred Eighty-one Thousand Six Hundred Dollars (\$1,581,600.00); and that such covenants and conditional promises are contingent upon the level of future assessment as a condition precedent; but the Town of Cheektowaga does not hereby make or intend to imply

any promise with respect to the level of future assessment to be set by its assessing officials. In the event that the 1989 or 1990 assessments are, either of them, higher in such year than the amounts set forth in this Agreement, the taxpayer will be free to seek judicial review of the assessment for that year and taxpayer and Joy will be free to prosecute their pending Article 7 proceedings concerning the 1986 and 1987 assessments of the subject property.

IT IS ALSO UNDERSTOOD AND AGREED that references herein to future assessments refer to the same real property and same improvements as those existing as of tax status date, 1988. In order to assure that future assessments referred to in this Agreement pertain to the same real property and improvements as existed on tax status date, 1988 the Town of Cheektowaga hereby agrees that any new building or major building addition constructed by taxpayer or its successor in interest, after the date of this Agreement, shall be assigned its own tax account number by the assessing municipality and ~~shall~~ be valued and assessed separately from the existing structures. In such event taxpayer will be free to seek judicial review of assessment of any buildings or building additions thus separately numbered and assessed. The parties hereby represent, however, that before taxpayer shall prosecute any proceedings for judicial review of assessment of properties

thus separately numbered and assessed, they will enter into good faith discussions with a view to arriving at a fair and equitable assessment of such separately numbered and assessed property. Taxpayer may take whatever action is necessary or proper to preserve its rights prior to or during such discussions. In the event of the destruction or demolition of a substantial portion of the property during the period of this Agreement, its value may decrease in an amount which cannot be determined now. In such event, taxpayer will be free to seek judicial review of any subsequent assessment by the Town and taxpayer and Joy will be free to immediately prosecute the pending Article 7 proceedings for which the Stipulation of Discontinuance has been prepared but not filed. The parties hereby represent, however, that before taxpayer and Joy shall prosecute their proceedings for judicial review of subsequent assessments or pending Article 7 proceedings relating to the 1986 and 1987 assessments, as permitted herein, they will enter into good faith discussions with a view to arriving at a fair and equitable change in the assessment and a renewal of this Agreement based upon the changed conditions of the property. Taxpayer and Joy may take whatever action is necessary or proper to preserve their rights prior to or during such discussions. It is further understood and agreed that, in the event changes in state or local law

stratifying assessments or tax rates or otherwise depriving taxpayer of the equitable benefit of this Agreement, or if for any other reason taxpayer is deprived of the equitable benefit of this Agreement, taxpayer will be free to seek judicial review of any assessment or any tax thereby affected, and taxpayer and Joy will also be free to prosecute immediately their pending Article 7 proceedings for 1986 and 1987.

IT IS UNDERSTOOD AND AGREED by the parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties individually deem material. In no event shall this Agreement be offered or admitted in any other proceeding by the parties or third parties as competent evidence of any fact except in any proceeding to interpret or enforce this Agreement. This Agreement constitutes the entire understanding among the parties.

Nothing in this Agreement shall prevent the taxpayer from appearing in any year before the Board of Assessment Review of the Town of Cheektowaga or filing a complaint on real property assessment with such Board. It is understood, however, that so long as the final assessments of the subject property do not exceed the levels specified herein in 1989 and 1990, taxpayer will not, in either year, commence judicial

proceedings under Article 7 of the Real Property Tax Law for judicial review of assessment.

The parties authorize their attorneys to seek an order of this Court effecting and approving the terms of this Agreement and further directing the removal of the pending proceedings from the trial calendar to the deferred cases calendar or such other calendar as is from time to time established by the Court for proceedings under Article 7 of the Real Property Tax Law. Said order shall further provide that such removal from the trial calendar shall be without prejudice to either party to reapply upon notice for reinstatement of the proceedings to the trial calendar as preferred cases upon notice should this Agreement be breached by the other party or should conditions precedent to discontinuance of those proceedings not be met. At no time henceforth shall the pending proceedings for 1986 and 1987 be deemed abandoned pursuant to Section 718 of the Real Property Tax Law or other similar or successor statutes.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

I C GROUP, INC. (Cooper Industries, Inc.)

By 

TOWN OF CHEEKTOWAGA

By _____

JOY MANUFACTURING COMPANY

By 

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by JOY MANUFACTURING COMPANY,,

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

AFFIDAVIT

Index No.
Tax Year 1986

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by I C GROUP INC. (Joy Manufacturing
Company),

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Index No. H90642
Tax Year 1987

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for
Review under Article 7 of the Real
Property Tax Law of a Tax Assessment
by I C GROUP, INC. (Cooper Industries,
Inc.),

Petitioner

vs.

CASIMIR KOZMINSKI, as the Assessor of
the Town of Cheektowaga, New York,
and the BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW YORK,

Respondents.

Index No. 08641/88
Tax Year 1988

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

CASIMIR KOZMINSKI, being duly sworn, deposes and says:

1. That he is the Assessor of the Town of Cheektowaga, Erie County, New York, and a Respondent in the within proceedings.

2. That the within proceedings were duly commenced by Petitioners to obtain judicial review under Article 7 of the Real Property Tax Law of the assessment of a certain parcel of real property in the Town of Cheektowaga.

3. Attached hereto and made a part hereof is the Agreement of the parties, which sets forth in detail the applicable status dates, parcels of real property which are the subject of the proceedings and the terms and conditions of the Agreement of the parties.

4. Your deponent has consulted with the counsel for the Town of Cheektowaga, and is of the opinion that the within Agreement is in the best interest of the Town of Cheektowaga.

5. Accordingly, your deponent respectfully requests an order approving the Agreement in the said proceedings.

CASIMIR KOZMINSKI

Sworn to before me this
____ day of _____, 1988.

Notary Public

Item No. 10b Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, William P. Hart, as General Partner of WPH Gateway Associates, a Limited Partnership and WPH Airport Associates, a Limited Partnership, has commenced proceedings against the Assessor, the Board of Assessment Review and the Town of Cheektowaga, pursuant to Article 7 of the Real Property Tax Law of the State of New York, for the tax years 1987-88 and 1988-89, and

WHEREAS, William P. Hart and the Town of Cheektowaga have had extensive settlement negotiations and after due consideration of all material facts, William P. Hart and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

WHEREAS, the attorneys for William P. Hart and the Town have prepared the attached Settlement Agreement, and

WHEREAS, the Town Assessor has recommended the attached Settlement Agreement be approved by this Town Board, NOW, THEREFORE, BE IT

RESOLVED that this Town Board does hereby approve the attached Settlement Agreement between William P. Hart and the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that special counsel to the Town and the Assessor be and hereby are authorized to sign any and all legal documents necessary to effectuate such settlement, 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 William P. Hart and the Town of Cheektowaga.

* See next twenty-two (22) pages

Upon Roll Call....

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

ATTORNEY'S CERTIFICATION

The undersigned, an attorney-at-law, is duly admitted to the Court of the State of New York, and is duly qualified under Section 2103 of the Judiciary Law, and certifies that this copy heretofore filed with the original and is a true and complete copy.

Thomas F. McGowan
Attorney at Law

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Erie at the Erie County Courthouse, Buffalo, New York on the 9th day of ~~November~~ *JANUARY* 1988.9

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE
Hon. Thomas F. McGowan, J.S.C.

FILED
JAN 13 1989
ERIE COUNTY
CLERK'S OFFICE

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH GATEWAY ASSOCIATES, a Limited Partnership

Petitioner

-vs-

ORDER

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF CHEEKTOWAGA; AND THE TOWN OF CHEEKTOWAGA, NEW YORK

Index No: H-89653

Justice Assigned:

Respondents

For Review of the Assessment of Certain Real Property known as 601 Dingens Street in the said Town of Cheektowaga For the Tax Year 1988-1989

Toni
PETITIONER having heretofore commenced the within proceeding under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 601 Dingens Street in the Town of Cheektowaga, County of Erie and State of New York (SBL 112.84-8-1) for the tax year 1988-89 and it now being proposed that the within proceeding be settled upon the terms and conditions set forth in the annexed Settlement Agreement entered into

KAVINOKY & COOK
120 Delaware Ave., Buffalo, New York 14202

RECEIVED
1989 JAN 18 AM 9:53
CHEEKTOWAGA
TOWN CLERK

between the parties, and it appearing that the proposed settlement is in the best interests of the parties hereto and upon reading and filing said Settlement Agreement,

NOW, on joint motion of Kavinoky & Cook, attorneys for the petitioner, and Joseph G. Sacco, Esq., attorney for the respondents, it is hereby

ORDERED AND ADJUDGED, that the proposed settlement as set forth in the Settlement Agreement annexed hereto be, and the same hereby is, determined to be reasonable, just and in the best interests of the respondents and that the same be, and hereby is, approved; and it is further

ORDERED AND ADJUDGED, that the appropriate financial officer is hereby directed and authorized to compute and disburse to Petitioner the refunds referred to in the annexed Settlement Agreement.

1s/ Thomas F. McGowan
Justice of the Supreme Court
Thomas F. McGowan, J.S.C.

Granted:

JAN. 9, 1989
1s/ A. Dimino
Court Clerk

SETTLEMENT AGREEMENT

WHEREAS, petitioner has instituted two proceedings under Article 7 of the Real Property Tax Law by which petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Cheektowaga, Erie County, New York, known as 601 Dingens Street, (SBL 112.84-8-1) on the tax assessment rolls for the tax years 1987-88 and 1988-89, and

WHEREAS, petitioner and respondents have had extensive settlement negotiations, and after due consideration of all material facts, petitioner and respondents have agreed to resolve their differences without further litigation and terminate said proceedings.

It is now stipulated and agreed:

1. The assessment of 601 Dingens Street on the tax assessment roll for the 1987-88 and 1988-89 tax years has been as follows:

Value of Land: \$ 306,900
Total: \$ 2,579,900

2. The assessment of 601 Dingens Street on the tax assessment roll for the 1988-89 tax year shall be adjusted as follows:

Value of Land: \$ 306,900
Total: \$ 2,223,000

3. The parties acknowledge that this assessment as adjusted is fair, equitable and proper for the purposes of this settlement.

4. Petitioner shall be entitled to a refund of a portion of any taxes after June 1, 1988, to the extent that the amount of said taxes exceeded the amount the taxes would have been had they been computed based upon the adjusted assessment set forth in paragraph 2, together with appropriate interest.

5. Petitioner covenants that it will not seek relief from the assessment of 601 Dingens Street for the tax years 1989-90, and 1990-91, provided that said assessment for those tax years is as set forth in paragraph 2 above.

6. The attorneys for the parties hereby stipulate to a discontinuance of the within proceedings for the 1987-88 and 1988-89 tax years.

7. Notwithstanding the foregoing, if any assessable additions or improvements are made to 601 Dingens Street after the date of this agreement and before the taxable status date for the tax assessment rolls for 1990-91, the assessment may be adjusted accordingly, in which case petitioner shall have the right to seek relief from the assessment, as adjusted. Further, should any portion of the premises be destroyed or impaired during that time, petitioner shall also have the right to seek relief from the assessment, whether or not it is adjusted.

8. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any order entered thereupon, and to otherwise enforce such terms by whatever means provided by law.

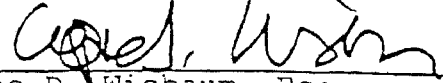
9. It is understood and agreed by all parties that this agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

10. This agreement constitutes the entire understanding and agreement among the parties. Nothing herein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1990-91 tax year.


11. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York
November 9, 1988

KAVINOKY & COOK

By: 
Wayne D. Wisbaum, Esq.
Attorneys for Petitioner
120 Delaware Avenue
Buffalo, New York 14202

Dated: Kenmore, New York
~~November~~ December 29, 1988


Joseph G. Sacco, Esq.
Attorney for Respondents
22 Victoria Boulevard
Kenmore, New York 14217

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH GATEWAY ASSOCIATES, a Limited Partnership

Index N

Petitioner,

ORDER AND SETTLEMENT AGREEMENT

Year

-against-

Index No. H-89653

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF CHEEKTOWAGA; and THE TOWN OF CHEEKTOWAGA, NEW YORK,

Justice Assigned:

Respondents.

For Review of the Assessment of Certain Real Property in the said Town of Cheektowaga for the tax year 1988/89

COPY

KAVINOKY & COOK Attorneys for Petitioner

Office, Post Office Address and Telephone 120 DELAWARE AVENUE BUFFALO, NEW YORK 14202 (716) 856-9234

Personal Service of the within hereon endorsed, is admitted this day of 19 and of the notice (if any)

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that an Order & Settlement Agreement of which the within is a copy, was duly granted in the within entitled action on the 9th day of January, 1989, and duly entered in the office of the Clerk of the County of Erie on the 13th day of January, 1989

To Attorney(s) for

KAVINOKY & COOK Attorneys for Petitioner

Sir:—Please take notice

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on the day of 19

To Attorney(s) for

KAVINOKY & COOK Attorneys for

STATE OF NEW YORK, COUNTY OF SS: AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says: deponent is not a party to the action.

is over 18 years of age and resides at On 19 deponent served the within

attorney(s) for

in this action, at

the address, designated by said attorney(s) for that purpose by depositing a

true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me this day of 19

Notary Public, Commissioner of Deeds

ATTORNEY'S CERTIFICATION

The undersigned, an attorney admitted to practice in the Courts of the State of New York pursuant to Section 2109 of the Judiciary Law, certifies that this copy has been prepared by him with the original and is a true and complete copy.

Thomas F. McGowan, Jr.
Attorney at Law

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Erie at the Erie County Courthouse, Buffalo, New York on the 9th day of ~~November~~ January 1988.9

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE
Hon. Thomas F. McGowan, JSC.

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH AIRPORT ASSOCIATES, a Limited Partnership

Petitioner

-vs-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE CHEEKTOWAGA; AND THE TOWN OF CHEEKTOWAGA, NEW YORK

Respondents

FILED

JAN 13 1989

ERIE COUNTY CLERK'S OFFICE

ORDER

Index No: H-89652

Justice Assigned:

For Review of the Assessment of Certain Real Property in the said Town of Cheektowaga For the Tax Year 1988-1989

PETITIONER having heretofore commenced the within proceeding under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 4600 Genesee Street in the Town of Cheektowaga, County of Erie and State of New York (SBL 92.02-2-19) for the tax year 1988-89 and it now being proposed that the within proceeding be settled upon the terms and conditions set forth in the annexed Settlement Agreement entered into

between the parties, and it appearing that the proposed settlement is in the best interests of the parties hereto and upon reading and filing said Settlement Agreement,

NOW, on joint motion of Kavinoky & Cook, attorneys for the petitioner, and Joseph G. Sacco, Esq., attorney for the respondents, it is hereby

ORDERED AND ADJUDGED, that the proposed settlement as set forth in the Settlement Agreement annexed hereto be, and the same hereby is, determined to be reasonable, just and in the best interests of the respondents and that the same be, and hereby is, approved; and it is further

ORDERED AND ADJUDGED, that the appropriate financial officer is hereby directed and authorized to compute and disburse to Petitioner the refunds referred to in the annexed Settlement Agreement.

151 Thomas F. McGowan
Justice of the Supreme Court
Thomas F. McGowan, J.S.C.

Granted:

Jan 9, 1989
151 A. Dimino
Court Clerk

SETTLEMENT AGREEMENT

WHEREAS, petitioner has instituted two proceedings under Article 7 of the Real Property Tax Law by which petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Cheektowaga, Erie County, New York, known as 4600 Genesee Street, (SBL 92.02-2-19) on the tax assessment rolls for the tax years 1987-88 and 1988-89, and

WHEREAS, petitioner and respondents have had extensive settlement negotiations, and after due consideration of all material facts, petitioner and respondents have agreed to resolve their differences without further litigation and terminate said proceedings.

It is now stipulated and agreed:

1. The assessment of 4600 Genesee Street on the tax assessment roll for the 1987-88 and 1988-89 tax years has been as follows:

Value of Land: \$ 434,000

Total: \$ 4,493,000

2. The assessment of 4600 Genesee Street on the tax assessment roll for the 1988-89 tax year shall be adjusted as follows:

Value of Land: \$ 434,000

Total: \$ 4,242,000

3. The parties acknowledge that this assessment as adjusted is fair, equitable and proper for the purposes of this settlement.

4. Petitioner shall be entitled to a refund of a portion of any taxes paid after June 1, 1988, to the extent that the amount of said taxes exceeded the amount the taxes would have been, had they been computed based upon the adjusted assessment set forth in paragraph 2, together with appropriate interest.

5. Petitioner covenants that it will not seek relief from the assessment of 4600 Genesee Street for the tax years 1989-90 and 1990-91, provided that said assessment for those tax years is as set forth in paragraph 2 above.

6. The attorneys for the parties hereby stipulate to a discontinuance of the within proceedings for the 1987-88 and 1988-89 tax years.

7. Notwithstanding the foregoing, if any assessable additions or improvements are made to 4600 Genesee Street after the date of this agreement and before the taxable status date for the tax assessment rolls for 1990-91, the assessment may be adjusted accordingly, in which case petitioner shall have the right to seek relief from the assessment, as adjusted. Further, should any portion of the premises be destroyed or impaired during that time, petitioner shall also have the right to seek relief from the assessment, whether or not it is adjusted.

8. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any order entered thereupon, and to otherwise enforce such terms by whatever means provided by law.

9. It is understood and agreed by all parties that this agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

10. This agreement constitutes the entire understanding and agreement among the parties. Nothing herein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1990-91 tax year.

11. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York
November 9, 1988

KAVINOKY & COOK

By: Wayne D. Wisbaum, Esq.
Attorneys for Petitioner
120 Delaware Avenue
Buffalo, New York 14202

Dated: Kenmore, New York
~~November~~ December 24, 1988

Joseph G. Sacco, Esq.
Attorney for Respondents
22 Victoria Boulevard
Kenmore, New York 14217

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH AIRPORT ASSOCIATES, a Limited Partnership

Index No

Petitioner,

ORDER AND SETTLEMENT AGREEMENT

Year

-against-

Index No. H-89652

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF CHEEKTOWAGA; and THE TOWN OF CHEEKTOWAGA, NEW YORK,

Justice Assigned:

Respondents.

For Review of the Assessment of Certain Real Property in the said Town of Cheektowaga for the tax year 1988/89

COPY

KAVINOKY & COOK

Attorneys for Petitioner

Office, Post Office Address and Telephone 120 DELAWARE AVENUE BUFFALO, NEW YORK 14202 (716) 856-9234

Personal Service of the within hereon endorsed, is admitted this day of , 19 and of the notice (if any)

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that an Order & Settlement Agreement of which the within is a copy, was duly granted in the within entitled action on the 9th day of January, 1989, and duly entered in the office of the Clerk of the County of Erie on the 13th day of January, 1989

To Attorney(s) for

KAVINOKY & COOK

Attorneys for Petitioner

Sir:—Please take notice

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on the day of , 19

To Attorney(s) for

KAVINOKY & COOK

Attorneys for

STATE OF NEW YORK, COUNTY OF

SS.:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says; deponent is not a party to the action.

is over 18 years of age and resides at

On , 19 deponent served the within

upon

attorney(s) for in this action, at

the address, designated by said attorney(s) for that purpose by depositing a

true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me, this day of , 19

Notary Public, Commissioner of Deeds

ATTORNEY'S CERTIFICATION

The undersigned, an attorney admitted to practice in the Courts of the State of New York, pursuant to Section 2103 of the Judiciary Law, hereby certifies that this copy has been furnished by him with the original and is a true and complete copy.

W. Andrew C. Cook
Attorney at Law

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Erie at the Erie County Courthouse, Buffalo, New York on the 9th day of ~~November~~, 1988⁹ January

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

Hon. Thomas F. McGowan, J.S.C.

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH AIRPORT ASSOCIATES, a Limited Partnership

Petitioner

-vs-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE CHEEKTOWAGA; AND THE TOWN OF CHEEKTOWAGA, NEW YORK

Respondents

For Review of the Assessment of Certain Real Property in the said Town of Cheektowaga For the Tax Year 1987-1988

FILED

JAN 18 1989

ERIE COUNTY
CLERK'S OFFICE

ORDER

Index No: H-89652

Justice Assigned:

PETITIONER having heretofore commenced the within proceeding under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 4600 Genesee Street in the Town of Cheektowaga, County of Erie and State of New York (SBL 92.02-2-19) for the tax year 1987-88 and it now being proposed that the within proceeding be settled upon the terms and conditions set forth in the annexed Settlement Agreement entered into

KAVINOKY & COOK
120 Delaware Ave., Buffalo, New York 14202

RECEIVED
1989 JAN 18 AM 9:11
CHEEKTOWAGA
TOWN CLERK

between the parties, and it appearing that the proposed settlement is in the best interests of the parties hereto and upon reading and filing said Settlement Agreement,

NOW, on joint motion of Kavinoky & Cook, attorneys for the petitioner, and Joseph G. Sacco, Esq., attorney for the respondents, it is hereby

ORDERED AND ADJUDGED, that the proposed settlement as set forth in the Settlement Agreement annexed hereto be, and the same hereby is, determined to be reasonable, just and in the best interests of the respondents and that the same be, and hereby is, approved; and it is further

ORDERED AND ADJUDGED, that the appropriate financial officer is hereby directed and authorized to compute and disburse to Petitioner the refunds referred to in the annexed Settlement Agreement.

1st Thomas F. McGowan
Justice of the Supreme Court
Thomas F. McGowan, J.S.C.

GRANTED:

Jan. 9, 1989
1st A. Dimino
Court Clerk

SETTLEMENT AGREEMENT

WHEREAS, petitioner has instituted two proceedings under Article 7 of the Real Property Tax Law by which petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Cheektowaga, Erie County, New York, known as 4600 Genesee Street, (SBL 92.02-2-19) on the tax assessment rolls for the tax years 1987-88 and 1988-89, and

WHEREAS, petitioner and respondents have had extensive settlement negotiations, and after due consideration of all material facts, petitioner and respondents have agreed to resolve their differences without further litigation and terminate said proceedings.

It is now stipulated and agreed:

1. The assessment of 4600 Genesee Street on the tax assessment roll for the 1987-88 and 1988-89 tax years has been as follows:

Value of Land: \$ 434,000

Total: \$ 4,493,000

2. The assessment of 4600 Genesee Street on the tax assessment roll for the 1988-89 tax year shall be adjusted as follows:

Value of Land: \$ 434,000

Total: \$ 4,242,000

3. The parties acknowledge that this assessment as adjusted is fair, equitable and proper for the purposes of this settlement.

KAVINOKY & COOK

120 Delaware Ave., Buffalo, New York 14202

4. Petitioner shall be entitled to a refund of a portion of any taxes paid after June 1, 1988, to the extent that the amount of said taxes exceeded the amount the taxes would have been, had they been computed based upon the adjusted assessment set forth in paragraph 2, together with appropriate interest.

5. Petitioner covenants that it will not seek relief from the assessment of 4600 Genesee Street for the tax years 1989-90 and 1990-91, provided that said assessment for those tax years is as set forth in paragraph 2 above.

6. The attorneys for the parties hereby stipulate to a discontinuance of the within proceedings for the 1987-88 and 1988-89 tax years.

7. Notwithstanding the foregoing, if any assessable additions or improvements are made to 4600 Genesee Street after the date of this agreement and before the taxable status date for the tax assessment rolls for 1990-91, the assessment may be adjusted accordingly, in which case petitioner shall have the right to seek relief from the assessment, as adjusted. Further, should any portion of the premises be destroyed or impaired during that time, petitioner shall also have the right to seek relief from the assessment, whether or not it is adjusted.

8. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any order entered thereupon, and to otherwise enforce such terms by whatever means provided by law.

9. It is understood and agreed by all parties that this agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

10. This agreement constitutes the entire understanding and agreement among the parties. Nothing herein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1990-91 tax year.

11. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York
November 9, 1988

KAVINOKY & COOK

By: 

Wayne D. Wisbaum, Esq.

Attorneys for Petitioner
120 Delaware Avenue
Buffalo, New York 14202

Dated: Kenmore, New York
~~December~~
November 29, 1988



Joseph G. Sacco, Esq.
Attorney for Respondents
22 Victoria Boulevard
Kenmore, New York 14217

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH AIRPORT ASSOCIATES, a Limited Partnership

Index No

Petitioner,

ORDER AND SETTLEMENT AGREEMENT

Year

-against-

Index No. H-89652

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF CHEEKTOWAGA; and THE TOWN OF CHEEKTOWAGA, NEW YORK,

Justice Assigned:

Respondents.

For Review of the Assessment of Certain Real Property in the said Town of Cheektowaga for the tax year 1987/88

COPY

KAVINOKY & COOK

Attorneys for Petitioner

Office, Post Office Address and Telephone 120 DELAWARE AVENUE BUFFALO, NEW YORK 14202 (716) 856-9234

Personal Service of the within and of the notice (if any) hereon endorsed, is admitted this day of , 19

Attorney(s) for

Sir: Please take notice

NOTICE OF ENTRY

that an Order & Settlement Agreement of which the within is a copy, was duly granted in the within entitled action on the 9th day of January, 1989, and duly entered in the office of the Clerk of the County of Erie on the 13th day of January, 1989

To Attorney(s) for

KAVINOKY & COOK Attorneys for Petitioner

Sir: Please take notice

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on the day of , 19

To Attorney(s) for

KAVINOKY & COOK Attorneys for

STATE OF NEW YORK, COUNTY OF

SS.:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says; deponent is not a party to the action.

is over 18 years of age and resides at

On , 19 deponent served the within

upon attorney(s) for in this action, at

the address, designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me this day of , 19

Notary Public, Commissioner of Deeds

ATTORNEY'S CERTIFICATION

The undersigned, an attorney admitted to practice in the Courts of the State of New York, pursuant to Section 2105 of the New York CPLR, hereby certifies that this copy has been compared by him with the original and is a true and complete copy.

George J. W. [Signature]
Attorney at Law

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Erie at the Erie County Courthouse, Buffalo, New York on the 9th day of ~~November~~, 1988.
January

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

H.N. Thomas F. McGowan, J.S.C.

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH GATEWAY ASSOCIATES, a Limited Partnership

Petitioner

-vs-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF CHEEKTOWAGA; AND THE TOWN OF CHEEKTOWAGA, NEW YORK

Respondents

For Review of the Assessment of Certain Real Property known as 601 Dingens Street in the said Town of Cheektowaga For the Tax Year 1987-1988

FILED

JAN 13 1989

ERIE COUNTY
CLERK'S OFFICE

ORDER

Index No: H-89653

Justice Assigned:

PETITIONER having heretofore commenced the within proceeding under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 601 Dingens Street in the Town of Cheektowaga, County of Erie and State of New York (SBL 112.84-8-1) for the tax year 1987-88 and it now being proposed that the within proceeding be settled upon the terms and conditions set forth in the annexed Settlement Agreement entered into

KAVINOKY & COOK
120 Delaware Ave., Buffalo, New York 14202

RECEIVED
1989 JAN 18 AM
CHEEKTOWAGA
TOWN CLERK

between the parties, and it appearing that the proposed settlement is in the best interests of the parties hereto and upon reading and filing said Settlement Agreement,

NOW, on joint motion of Kavinoky & Cook, attorneys for the petitioner, and Joseph G. Sacco, Esq., attorney for the respondents, it is hereby

ORDERED AND ADJUDGED, that the proposed settlement as set forth in the Settlement Agreement annexed hereto be, and the same hereby is, determined to be reasonable, just and in the best interests of the respondents and that the same be, and hereby is, approved; and it is further

ORDERED AND ADJUDGED, that the appropriate financial officer is hereby directed and authorized to compute and disburse to Petitioner the refunds referred to in the annexed Settlement Agreement.

1st Thomas F. McGowan
Justice of the Supreme Court
Thomas F. McGowan, J.S.C.

Granted:

Jan. 9, 1989
1st A. Dimiño
Court Clerk

SETTLEMENT AGREEMENT

WHEREAS, petitioner has instituted two proceedings under Article 7 of the Real Property Tax Law by which petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Cheektowaga, Erie County, New York, known as 601 Dingens Street, (SBL 112.84-8-1) on the tax assessment rolls for the tax years 1987-88 and 1988-89, and

WHEREAS, petitioner and respondents have had extensive settlement negotiations, and after due consideration of all material facts, petitioner and respondents have agreed to resolve their differences without further litigation and terminate said proceedings.

It is now stipulated and agreed:

1. The assessment of 601 Dingens Street on the tax assessment roll for the 1987-88 and 1988-89 tax years has been as follows:

Value of Land: \$ 306,900

Total: \$ 2,579,900

2. The assessment of 601 Dingens Street on the tax assessment roll for the 1988-89 tax year shall be adjusted as follows:

Value of Land: \$ 306,900

Total: \$ 2,223,000

3. The parties acknowledge that this assessment as adjusted is fair, equitable and proper for the purposes of this settlement.

4. Petitioner shall be entitled to a refund of a portion of any taxes after June 1, 1988, to the extent that the amount of said taxes exceeded the amount the taxes would have been had they been computed based upon the adjusted assessment set forth in paragraph 2, together with appropriate interest.

5. Petitioner covenants that it will not seek relief from the assessment of 601 Dingens Street for the tax years 1989-90, and 1990-91, provided that said assessment for those tax years is as set forth in paragraph 2 above.

6. The attorneys for the parties hereby stipulate to a discontinuance of the within proceedings for the 1987-88 and 1988-89 tax years.

7. Notwithstanding the foregoing, if any assessable additions or improvements are made to 601 Dingens Street after the date of this agreement and before the taxable status date for the tax assessment rolls for 1990-91, the assessment may be adjusted accordingly, in which case petitioner shall have the right to seek relief from the assessment, as adjusted. Further, should any portion of the premises be destroyed or impaired during that time, petitioner shall also have the right to seek relief from the assessment, whether or not it is adjusted.

8. Petitioner shall have the right to seek specific enforcement of the terms of this Settlement Agreement, and of any order entered thereupon, and to otherwise enforce such terms by whatever means provided by law.

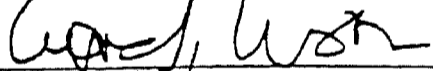
9. It is understood and agreed by all parties that this agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall this agreement, or the contents thereof, be offered or admitted in any of these proceedings if prosecution thereof is carried forward or in any other proceeding by the parties or third parties as competent evidence of any fact.

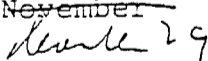
10. This agreement constitutes the entire understanding and agreement among the parties. Nothing herein contained shall be deemed to bind either party beyond the tax assessment rolls established for the 1990-91 tax year.


11. The parties authorize their attorneys to seek an order of the Supreme Court approving the terms of this Settlement Agreement, and this Settlement Agreement is conditioned upon such approval.

Dated: Buffalo, New York
November 9, 1988

KAVINOKY & COOK

By: 
Wayne D. Wisbaum, Esq.
Attorneys for Petitioner
120 Delaware Avenue
Buffalo, New York 14202

Dated: Kenmore, New York
~~November~~ 29, 1988



Joseph G. Sacco, Esq.
Attorney for Respondents
22 Victoria Boulevard
Kenmore, New York 14217

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY WILLIAM P. HART, as General Partner of WPH GATEWAY ASSOCIATES, a Limited Partnership

Index N

Petitioner,

ORDER AND SETTLEMENT AGREEMENT

Year

-against-

Index No. H-89653

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CHEEKTOWAGA; THE ASSESSOR OF THE TOWN OF CHEEKTOWAGA; and THE TOWN OF CHEEKTOWAGA, NEW YORK,

Justice Assigned:

Respondents.

For Review of the Assessment of Certain Real Property in the said Town of Cheektowaga for the tax year 1987/88

COPY

KAVINOKY & COOK

Attorneys for Petitioner

Office, Post Office Address and Telephone 120 DELAWARE AVENUE BUFFALO, NEW YORK 14202 (716) 856-9234

Personal Service of the within hereon endorsed, is admitted this day of , 19 and of the notice (if any)

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that an Order & Settlement Agreement of which the within is a copy, was duly granted in the within entitled action on the 9th day of January, 1989, and duly entered in the office of the Clerk of the County of Erie on the 13th day of January, 1989

To Attorney(s) for

KAVINOKY & COOK Attorneys for Petitioner

Sir:—Please take notice

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on the day of , 19

To Attorney(s) for

KAVINOKY & COOK Attorneys for

STATE OF NEW YORK, COUNTY OF

SS.:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says: deponent is not a party to the action.

is over 18 years of age and resides at On , 19 deponent served the within

upon attorney(s) for in this action, at

the address, designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me this day of , 19

Notary Public, Commissioner of Deeds

Item No. 11 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board accepted Innsbruck Drive as a Town Highway by resolution dated January 4, 1988, which acceptance was contingent upon the developer's posting of a Street Lighting Agreement and Performance Bond to guarantee street lighting for said highway, and

WHEREAS, the original easement dated December 21, 1987 required that the street lighting system for Innsbruck Drive be installed by the developer on or before July 31, 1988, and

WHEREAS, the developer, Robert E. Mariacher et al, in a letter dated December 2, 1988, a copy of which is hereto attached and made a part of this resolution, has requested a time extension to cause such street lighting to be installed on or before July 31, 1989, and

WHEREAS, the Performance Bond in the amount of \$17,000 dated December 30, 1987, shall remain in full force and effect until all obligations are met, and by terms of the bond, the surety waives notice of any alteration or extension of time made by the owner, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby grants the requested time extension whereby the subject street lighting system shall be furnished and installed by the developer on or before July 31, 1989, and BE IT FURTHER

RESOLVED that all remaining terms and conditions specified in the aforesaid street lighting agreement shall remain in effect.

* See next three (3) pages for letter

Upon Roll Call....

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

ROBERT E. MARIACHER, FRANK L. CIMINELLI,
NORMAN DiDONATO, EUGENE P. VUKELIC,
PAUL M. NICHTER and WILLIAM NUNZ
c/o 2303 Union Road
Cheektowaga, NY 14227
(716) 668-8515

December 2, 1988

The Honorable Town Board of the
Town of Cheektowaga, New York
Town Hall
Broadway & Union Roads
Cheektowaga, NY 14225

Re: Robert E. Mariacher, et al. - Agreement Dated
December 21, 1987 with the Town of
Cheektowaga, New York with respect to the
Installation of Street Lighting for Innsbruck
Drive in the Town of Cheektowaga, New York

Gentlemen:

We hereby refer you to the above referenced agreement that was provided to you with respect to the dedication of and acceptance by you of a certain roadway now known as Innsbruck Drive in the Town of Cheektowaga, New York. That agreement provided that we were to install street lighting for Innsbruck Drive in accordance with certain plans and specifications on or before July 31, 1988.

We hereby request that you extend the time for us to cause such street lighting to be installed to and including July 31, 1989. As you know, and pursuant to the aforesaid agreement, we furnished to you, at our cost and expense, a performance bond in favor of the Town for the sum of \$17,000 to secure our undertaking to install the said street lighting. That bond specifically provided that the surety, United States Fidelity & Guaranty Company, waives notice of any alteration or extension of time made by the owner, in this case, the Town of Cheektowaga, New York. The requested extension of time will not affect the performance bond, which is and remains in full force and effect. In order to confirm the foregoing, we are enclosing a copy of a letter which we have procured from the insurance company issuing the aforesaid performance bond.

The Honorable Town Board of the
Town of Cheektowaga, New York
December 2, 1988
Page 2.

Thank you for your anticipated cooperation in this
matter. If you have any questions, please feel free to contact the
undersigned.

Very truly yours,

ROBERT E. MARIACHER, FRANK L.
CIMINELLI, NORMAN DiDONATO, EUGENE P.
VUKELIC, PAUL M. NICHTER and WILLIAM
NUNZ

By 
Robert E. Mariacher

Enclosure

Joseph J. Naples & Associates, Inc.
insurance and surety bonds

November 30, 1988

Town of Cheektowaga
Town Hall
Broadway and Union Road
Cheektowaga, NY 14225

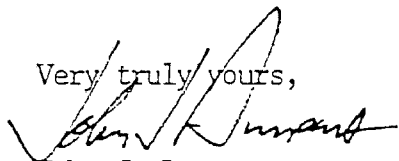
Re: Robert E. Mariacher, Paul M. Nichter, etal - Innsbruck Drive -
Street Lighting

To The Town of Cheektowaga:

This is to confirm that the bond provided by us in connection with the captioned in penalty of \$17,000 and dated December 30, 1987, remains in full force and effect and will remain so until the Principals under the bond have met all obligations they have assumed.

By the terms of the bond, the Surety waives notice of any alteration or extension of the obligations.

Very truly yours,



John J. Dumpert
Attorney-in-fact
UNITED STATES FIDELITY AND
GUARANTY COMPANY

JJD/la

Item No. 12a Motion by Councilman Jaworowicz, Seconded by Supervisor Swiatek

WHEREAS, on the 13th day of June, 1988, this Town Board took various actions in connection with the construction of the Walden Galleria Mall in the Town by the Pyramid Company of Buffalo, and

WHEREAS, on July 12, 1988, the Town was served with a Summons and Complaint (Index No. 06543/88) and Notice of Petition and Verified Petition (Index No. 06544/88) in lawsuits entitled Polanski, et al. v. Swiatek et al. (hereinafter referred to as "Lawsuits") to invalidate the actions taken by this Town Board and Town departments in relation to the Walden Galleria Mall, and

WHEREAS, discussions and negotiations have taken place over the past few months between attorneys for the Town, Pyramid Company of Buffalo and the litigants, and

WHEREAS, in accordance with the attached Settlement Agreement, Mutual Release and Waive of Future Claims (hereinafter referred to as the "Settlement Agreement"), the parties to the above referenced and other lawsuits relating to the Walden Galleria Mall have agreed to terminate all litigation concerning same and to permit the construction of the Walden Galleria Mall to completion in substantial conformity with the description thereof contained in the Final Environmental Impact Statement, and

WHEREAS, the Town Attorney's Office has reviewed the attached Settlement Agreement and has recommended that this Town Board approve same, NOW, THEREFORE, ~~BE IT~~

RESOLVED that this Town Board hereby approves and accepts the attached Settlement Agreement relating to the Lawsuits, and ~~BE IT FURTHER~~

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Settlement Agreement on behalf of this Town Board.

* See next forty-seven (47) pages for agreement
(Unsigned copy - never received signed copy)

Upon Roll Call....

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

Settlement Agreement, Mutual
Release and Waiver of Future Claims

This Settlement Agreement, Mutual Release and Waiver of Future Claims, together with Exhibits A-D hereto (herein referred to as "the Agreement"), regardless of the place of execution by the respective parties hereto, is made in New York this eleventh day of November, 1988, by and between Stephen A. Mekarski, Richard Nader, Donald G. Sager, Marie S. Geiss, Leon S. Regent, Julian Polanski, Chester Antkowiak, John Czarnecki and Vernon Harriman (collectively referred to herein as "the Plaintiffs"); William Benton and Sunbelt Savings, FSB, successor in interest to Independent American Savings Bank of Dallas, Texas (collectively referred to herein as "the Thruway Mall Interests"); the Niagara Frontier Transportation Authority, Raymond F. Gallagher, James H. Wolford, George L. Wessel, Richard C. Southard, Ronald J. Anthony, Robert D. Gioia, William G. Gisel, Ernestine R. Green, Glenn S. Hackett, James W. Wadsworth and Theodore D. Williamson, Sr., in their official capacities as members of the Niagara Frontier Transportation Authority (herein referred to collectively as "the NFTA"); Frank E. Swiatek, Thomas M. Johnson, Jr., Patricia A. Jaworowicz, Dennis H. Gabryszak, Andrew A. Kulyk, Leo T. Kazukiewicz and Richard B. Solecki, in their representative capacities as members of the Town Board of the Town of Cheektowaga, the Town Board of the Town of Cheektowaga, Ronald Marten, in his representative capacity

as the Building and Plumbing Inspector of the Town of Cheektowaga, and Chester L. Bryan, in his representative capacity as the Town Engineer of the Town of Cheektowaga (herein referred to collectively as "the Town"); and the Pyramid Company of Buffalo (herein referred to as "Pyramid") (The Plaintiffs, the Thruway Mall Interests, the NFTA, the Town and Pyramid as parties to this Agreement are also sometimes referred to herein collectively as "the Parties.").

Whereas, Pyramid represents that it is currently constructing a regional shopping center, known as the Walden Galleria, in the Town of Cheektowaga, New York (hereinafter referred to as "the Project") in substantial conformity with the description thereof contained in the Final Environmental Impact Statement (hereinafter referred to as "the FEIS") determined to be complete by the Town of Cheektowaga on September 21, 1987, and all required permits and approvals, and Plaintiffs and the Thruway Mall Interests have no basis to disbelieve this representation; and,

Whereas, the Plaintiffs and the NFTA, the Town and Pyramid have been litigants in certain different lawsuits, the full captions and index numbers of which are included herein as Exhibit A (hereinafter referred to as "the

Litigation"), and some of the Plaintiffs and the Thruway Mall Interests have contacted various governmental agencies with permitting and approval authority over the Project to state their opposition to the manner in which the Project was proceeding and their reasons therefor; and,

Whereas, the Parties desire to terminate all litigation now pending among and between them and the Plaintiffs, the Thruway Mall interests and Pyramid desire to permit the continued construction of the Project to completion in substantial conformity with the description thereof contained in the FEIS and all required permits and approvals, without further litigation among and between them or opposition by the Plaintiffs and the Thruway Mall Interests.

NOW, THEREFORE, in consideration of the mutual promises and conditions set forth below, the Parties hereby agree as follows:

1. The Plaintiffs hereby stipulate and agree to voluntarily dismiss with prejudice each lawsuit set forth in Exhibit A hereto against each and every Defendant set forth therein without cost to any party; and hereby further authorize the submission to the appropriate Court of an

Order of Voluntary Dismissal for each lawsuit set forth in Exhibit A in the form attached hereto as Exhibit B, and the subsequent entry and filing of each such Order.

2. Plaintiffs Richard Nader and Donald G. Sager (hereinafter "the Nader Plaintiffs") hereby agree to vigorously pursue the concept of voluntary dismissal of a plenary lawsuit and an Article 78 proceeding, each entitled Nader, et al. v. Cheektowaga Central School District Board of Education, et al., H-94786 and H-94787 (hereinafter "the Nader Litigation") with the Cheektowaga Central School District Board of Education (hereinafter "the School Board"); and in the event that the School Board does not agree to a voluntary dismissal of the Nader Litigation, the Nader Plaintiffs hereby agree to petition the court, within ten days of the date notice is given to counsel for Pyramid pursuant to paragraph 12 of this Agreement, to obtain this dismissal and also hereby agree to oppose any and all counterclaims, motions or other actions and proceedings by the School Board seeking damages, attorneys' fees or costs arising out of the initiation of the Nader Litigation by the Nader Plaintiffs. The motion for dismissal shall be made returnable on the Court's next available return date.

3. Pyramid hereby agrees to make a voluntary

contribution to the Town of Cheektowaga in the amount of \$10,000.00 (Ten Thousand Dollars) for the study and/or implementation of methods for alleviation of historical flooding problems in that area of the Town of Cheektowaga drained by the so-called T-1 or T-3 Tributary, and Plaintiffs and the Thruway Mall Interests hereby state that the payment of such funds is not intended to constitute an admission by Pyramid and shall not be claimed by any of the Parties to be an admission by Pyramid that such historical flooding problems were in any way caused by construction of the Project or will in any way be exacerbated by such construction. Notice of the payment of such contribution shall be given to all parties.

4. Pyramid further agrees to provide additional pump capacity in Stormwater Detention Basin No. 2 to what was originally proposed by Pyramid in its application to the New York State Department of Environmental Conservation for a Permit to Use State-Maintained Flood Control Lands in June, 1988 (hereinafter referred to as "additional pump capacity") either in the form of a second pump or enhanced single or duplex pump of a kind to be determined appropriate by Pyramid and the Town Engineer of the Town of Cheektowaga, and provided further that should any governmental agency having regulatory authority over the Project's stormwater

management system require Pyramid to provide such additional pump capacity, Pyramid's compliance with such regulatory requirement shall be deemed a fulfillment of this paragraph of the Agreement. Notice of the installation of the additional pump capacity shall be given to all Parties.

5. Pyramid further agrees to enter into the agreement with the NFTA and Sunbelt Savings FSB which is attached hereto as Exhibit C to cooperate in the effort of Sunbelt Savings FSB to construct a surface rail link between the Thruway Mall and the Project. Notice of the execution of the agreement shall be given to all Parties.

6. Pyramid and Mr. Sager further hereby agree to enter into the indemnification agreement attached hereto as Exhibit D whereby Pyramid agrees to indemnify Mr. Sager personally against certain claims for contribution which have been raised or which could be raised in or arise from a libel lawsuit currently pending against Mr. Sager and others in the Northern District of New York.

7. Each of the Plaintiffs and the Thruway Mall Interests individually and for himself and his agents, representatives, partners, servants, employees, heirs, successors and assigns, hereby releases, acquits and forever

discharges each of the Defendants in the Litigation with the exception of the NFTA, his agents, representatives and employees, and all related or affiliated corporations, partnerships or entities, and their agents, representatives and employees; and each of the Defendants in the Litigation with the exception of the NFTA, for himself and his agents, representatives and employees, and all related or affiliated corporations, partnerships or entities, and their agents, representatives and employees hereby releases, acquits and forever discharges each of the Plaintiffs and the Thruway Mall Interests, his agents, representatives, servants, employees, heirs, successors and assigns of and from all claims, injuries, damages and causes of action, of whatsoever kind and nature, foreseen or unforeseen, including but not limited to any claims of contribution or indemnity, arising from any act, cause, matter, or thing relating in any way to the Litigation, or the matters alleged or asserted in the Litigation, including those matters alleged or referred to in the various Complaints, Petitions, Answers, Responses, Motions and supporting papers, affidavits and memoranda of law submitted in the Litigation.

8. Each of the Plaintiffs and the Thruway Mall Interests individually and for himself and his agents,

representatives, partners, servants, employees, heirs, successors and assigns, hereby releases, acquits and forever discharges the NFTA, his agents, representatives and employees, and all related or affiliated corporations, partnerships or entities, and their agents, representatives and employees; and the NFTA for himself and his agents, representatives and employees, and all related or affiliated corporations, partnerships or entities, and their agents, representatives and employees hereby releases, acquits and forever discharges each of the Plaintiffs and the Thruway Mall Interests, his agents, representatives, servants, employees, heirs, successors and assigns of and from all claims, injuries, damages and causes of action, of whatsoever kind and nature, foreseen or unforeseen, (including but not limited to any claims of contribution or indemnity), arising from any act, cause, matter, or thing relating in any way to the cases entitled Geiss, et al. v. Niagara Frontier Transportation Authority, et al., (Index No. 05192/88 and Geiss, et al. v. Gallagher, et al., (Index No. 05192/88).

9. With the exception of the NFTA and the Town, each of the Parties for himself and for his agents, representatives, servants, employees, all related or affiliated corporations, partnerships or entities, and all

his heirs, successors and assigns, hereby waives any and all future claims against any other of the Parties, individually or in combination, arising out of or related to the environmental, regulatory and permitting issues associated in any way with the continued construction of the Project and the completion of the construction of the Project substantially in conformity with the description of the Project as contained in the FEIS and all required permits or approvals, including those claims which should have been brought or could have been brought in the Litigation; and, this waiver is limited to the claims set forth herein, and is not intended to apply to other claims such as those which may arise in the future for personal injury or property damage.

10. The Thruway Mall Interests agree that they will not participate in, or support in any way, any opposition to the continued construction of the Project or the completion of the construction of the Project substantially in conformity with the description of the Project as contained in the FEIS and all required permits and approvals, and the Plaintiffs agree that they will not participate in any way in any litigation opposed to the continued construction of the Project or the completion of the construction of the Project as hereinbefore set forth.

11. Pyramid agrees that it will not participate in, or support in any way, any litigation by the Cheektowaga Central School District (hereinafter "the School District") against any or all of the Plaintiffs arising out of the Litigation in which the Plaintiffs, the School District and Pyramid are parties, after a final Order of Dismissal is filed in said Litigation.

12. Counsel for Pyramid shall present Orders of Dismissal in the Litigation in the form attached hereto as Exhibit B to the Courts in which each matter is pending upon receipt of written confirmation that the lawsuit captioned Gary Dower v. Ralph R. Dickinson, Donald G. Sager and the Town of Watertown, Civil Action No. 88-CV-895, filed in the Northern District of New York on or about August 29, 1988 has been settled and a Stipulation of Dismissal or Discontinuance or Order of Dismissal or the like as to defendant Donald G. Sager has been filed with the Clerk of the Court. Such written confirmation shall be given via hand delivery or telefax machine to Pyramid's counsel on the same day it is received by Thomas F. Walsh of the firm of Nixon, Hargrave, Devans & Doyle. Notice of the filing of the Orders shall be given to all parties.

13. It is the intention of the Plaintiffs and the

Thruway Mall Interests to terminate the Litigation and to refrain from future litigation over the construction of the Project provided construction of the Project proceeds in substantial conformity with the description thereof contained in the FEIS and all required permits and approvals, and the terms of this Agreement should be construed in light of this intention.

14. The obligations of the Parties under this Agreement shall become effective as of the date first set forth above regardless of the date of the execution of this Agreement by each individual Party except as follows:

a) The obligations of the Parties under the Indemnification Agreement shall become effective according to the terms of the Indemnification Agreement; and,

b) The obligations of Pyramid under paragraphs 3, 4 and 5 of this Agreement shall become effective on the effective date of the Indemnification Agreement or within thirty days of service of a fully executed copy of this Agreement on counsel for Pyramid, whichever is later.

15. If any Party breaches any term of this Agreement, any other Party may enforce this Agreement against such Party and recover all of the costs of so doing against the breaching Party, which costs shall include, but not be limited to, reasonable attorneys' fees.

16. Upon the execution of this Agreement by the Plaintiffs and the NFTA, the Town and Pyramid, counsel for Pyramid shall immediately notify the Honorable Irving Fudeman, Justice of the Supreme Court, Erie County, New York of the settlement of the Litigation currently pending before him, and provide the Court with a copy of the Agreement.

17. It is understood and agreed by the Parties that the settlement and monetary relief provided for herein is not to be construed or used as an admission of liability on the part of the NFTA, the Town or Pyramid and that the NFTA, the Town and Pyramid expressly deny liability for any of the claims which were or could have been alleged in the Litigation, and that the Parties intend by the settlement effected pursuant to this Agreement to end the pending Litigation.

18. The Parties represent that no right of action against any other Party has been assigned or otherwise conferred upon any other person or entity by any of them. This Agreement shall not be assignable by any party hereto without the written prior consent of all parties.

19. In the event that one or more of the provisions, or portions thereof, of this Agreement are determined to be

illegal or unenforceable, the remainder of the Agreement shall not be affected thereby, and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.

20. When used in this Agreement, the masculine voice shall be considered to include the feminine and neuter voices.

21. ALL OF THE UNDERSIGNED, EITHER INDIVIDUALLY, BY THEIR RESPECTIVE AUTHORIZED OFFICERS, OR THROUGH THEIR COUNSEL, HAVE READ THE FOREGOING AGREEMENT, FULLY UNDERSTAND ALL OF THE PROVISIONS, AND VOLUNTARILY ACCEPT THE SAME. Accordingly, the normal rules of construction, to the effect that any ambiguities are to be resolved against the drafting party, shall not be employed in the interpretation of this Agreement.

22. This Agreement constitutes the entire agreement between the Parties relating to the subject matter hereof and supercedes all prior agreements and understandings of the Parties, all of which are merged herein. All of the Parties further declare and represent that no promise, inducement, agreement, statement or representation not

expressed herein has been made to, or relied upon, by any of them.

23. This Agreement shall be deemed to be executed in the State of New York and subject to and construed in accordance with the law of New York. The Agreement may not be amended except by a writing signed by the Parties against whom such amendment is sought to be enforced.

24. Service of any document required under this Agreement or any of the attachments hereto shall be made upon the following representatives of the Parties at the addresses set forth below:

<u>PARTY</u>	<u>REPRESENTATIVE</u>
Messrs. Nader and Sager, Mrs. Geiss and Sunbelt Savings PSB	Thomas F. Walsh Nixon, Hargrave, Devans & Doyle Lincoln First Tower P.O. Box 1051 Rochester, NY 14603
Messrs. Polanski, Antkowiak, Czarnecki, Mekarski, Harriman, Regent and Benton	Jeffrey S. Baker Sive, Paget & Riesel 460 Park Avenue New York, NY 10022
The NFTA	Charles J. Hart 181 Ellicott Street Buffalo, NY 14203
The Town	James J. Kirisits Town Hall Cheektowaga, NY 14227

Pyramid

Alice J. Kryzan
Whiteman Osterman &
Hanna
The Guaranty Building
28 Church Street
Buffalo, NY 14202

25. Each of the parties, through his respective counsel, shall notify all other parties of any change in representative or address for purposes of giving any and all notices required by this Agreement. Such notice of change in representative or address shall be in writing. A failure to provide such notice shall excuse all parties from any misdirected notice.

26. The Agreement may be executed in multiple counterpart originals, each of which (if it bears original signatures by all of the Parties hereto or thereto) shall be deemed an original and fully effective, and all of which together shall be considered one and the same document.

27. The Parties hereby state for the record that one of the Plaintiffs in the Litigation, Mr. Bernard Rogacki, is now deceased, and his claim in the Litigation does not survive him.

28. Sunbelt Savings FSB, the NFTA, the Town and Pyramid hereby represent and warrant that the individual or

individuals executing this Agreement on behalf of each of them has the full power and authority to so bind each of them.

IN WITNESS THEREOF, the undersigned have executed this Agreement to take effect as a sealed instrument as of the date first set forth above.

Stephen A. Mekarski
Cheektowaga, NY 14225
Dated: _____

Donald G. Sager
Cheektowaga, NY 14225
Dated: _____

Leon S. Regent
Cheektowaga, NY 14225
Dated: _____

Marie S. Geiss
Cheektowaga, NY 14225
Dated: _____

Richard Nader
Cheektowaga, NY 14225
Dated: _____

Julian Polanski
Cheektowaga, NY 14225
Dated: _____

Chester Antkowiak
Cheektowaga, NY 14225
Dated: _____

Vernon Harriman
Cheektowaga, NY 14225
Dated: _____

John Czarnecki

West Seneca, NY 14224

Dated: _____

Town of Cheektowaga

By: Frank E. Swiatek
Supervisor

Dated: _____

Chester L. Bryan
Town Engineer
Town of Cheektowaga

Dated: _____

Ronald Marten
Building & Plumbing Inspector
Town of Cheektowaga

Dated: _____

William Benton

Austin, Texas 78746

Dated: _____

Sunbelt Savings FSB

By: _____
Name

Title

Dated: _____

Pyramid Company of Buffalo

By: Kenneth D. Cannon
Partner

Dated: _____

Niagara Frontier
Transportation Authority

By: Dominic J. Terranova
General Counsel

Dated: _____

EXHIBIT A

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

RICHARD NADER, BERNARD ROGACKI and
DONALD SAGER,

Plaintiffs,

-against-

THE CHEEKTOWAGA CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION, JEROME E. POPLAWSKI,
MARIAN BUSH, RAYMOND L. CARR, CONSTANCE
GIAMBELLUCA, GERALD J. HICKSON, and
LEONARD J. LORENZ, JR., in their capacity
as members of the Cheektowaga Central
School District Board of Education,
DR. LESLIE B. LEWIS, in his
capacity as Superintendent of the
Cheektowaga Central School District
Board of Education, and ADELE J. WIECHEC,
in her capacity as Clerk of the
Cheektowaga Central School District
Board of Education,

-and-

PYRAMID COMPANY OF BUFFALO

Defendants.

INDEX NO.
H-94787

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JULIAN POLANSKI, DONALD G. SAGER,
CHESTER ANTKOWIAK, JOHN CZARNECKI,
STEPHEN MEKARSKI, VERNON HARRIMAN and
LEON REGENT,

Plaintiffs,

-against-

FRANK E. SWIATEK, THOMAS M. JOHNSON,
JR., PATRICIA A. JAWOROWICZ, DENNIS
H. GABRYSZAK, ANDEREW A. KULYK, LEO
T. KAZUKIEWICZ and RICHARD B. SOLECKI,
AS MEMBERS OF AND CONSTITUTING THE
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK; THE TOWN BOARD OF
THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,
NEW YORK; RONALD MARTEN, AS THE BUILDING
AND PLUMBING INSPECTOR OF THE TOWN OF
CHEEKTOWAGA, CHESTER L. BRYAN, AS THE
TOWN ENGINEER OF THE TOWN OF CHEEKTOWAGA,
AND PYRAMID COMPANY OF BUFFALO,

Defendants.

INDEX NO.
06543/88

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JULIAN POLANSKI, DONALD G. SAGER,
CHESTER ANTKOWIAK, JOHN CZARNECKI,
STEPHEN MEKARSKI, VERNON HARRIMAN and
LEON REGENT,

Petitioners,

-against-

FRANK E. SWIATEK, THOMAS M. JOHNSON,
JR., PATRICIA A. JAWOROWICZ, DENNIS
H. GABRYSZAK, ANDEREW A. KULYK, LEO
T. KAZUKIEWICZ and RICHARD B. SOLECKI,
AS MEMBERS OF AND CONSTITUTING THE
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK; THE TOWN BOARD OF
THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,
NEW YORK; RONALD MARTEN, AS THE BUILDING
AND PLUMBING INSPECTOR OF THE TOWN OF
CHEEKTOWAGA, CHESTER L. BRYAN, AS THE
TOWN ENGINEER OF THE TOWN OF CHEEKTOWAGA,
AND PYRAMID COMPANY OF BUFFALO,

Respondents.

INDEX NO.
06544/88

EXHIBIT B

[CAPTION]

STIPULATED ORDER OF DISMISSAL

The parties having consented hereto, it is hereby stipulated and agreed that the above-entitled action, including all claims, causes of action and defenses asserted therein, is hereby dismissed with prejudice and without costs to either party.

Justice Irving Fudeman
Supreme Court of Erie County
State of New York

By _____
[Attorneys for Plaintiffs]

By _____
[Attorneys for Defendants]

EXHIBIT C

COOPERATION AGREEMENT

This Cooperation Agreement (herein referred to as "the Cooperation Agreement"), regardless of the place of execution by the respective parties hereto, is made in New York this eleventh day of November, 1988, by and among Sunbelt Savings FSB, should it ever become the owner of Thruway Mall (hereinafter referred to as "Sunbelt"), the Niagara Frontier Transportation Authority (hereinafter referred to as "NFTA") and Pyramid Company of Buffalo (hereinafter referred to as "Pyramid"). (Sunbelt, the NFTA and Pyramid as parties to this Agreement are also sometimes referred to herein collectively as "the Parties.").

Whereas, Pyramid is currently constructing a regional shopping center, known as the Walden Galleria, in the Town of Cheektowaga, New York (hereinafter referred to as "the Walden Galleria"); and,

Whereas, Sunbelt has petitioned governmental agencies responsible for approving and permitting the financed construction of the Walden Galleria; and,

Whereas, the NFTA and Pyramid have been parties to the litigation referred to herein and objects of the comments, complaints, and statements of Sunbelt; and,

Whereas, the Parties desire to terminate all pending litigation and to permit the continued construction of the Walden Galleria to completion without further litigation by Sunbelt or petitioning by Sunbelt.

NOW, therefore, in consideration of the mutual promises and conditions set forth below, the Parties hereby agree as follows:

1. In the event Sunbelt desires to fund the necessary land acquisition, design, permitting and construction of a trolley shuttle system between the Thruway Mall and the Walden Galleria, including track, signals, enclosed shuttle stations within 200 feet of the entrances of both Walden Galleria and Thruway Mall and enclosed access-ways to such entrances (hereinafter referred to as "the System"):

a) The NFTA shall in good faith use its best efforts to build, operate and maintain the System, including supplying the trolley cars therefor;

b) Pyramid shall in good faith cooperate in the development of the System by allowing part of same to be built and operated on property which now is or at some future date may be owned or controlled by Pyramid; and,

c) Sunbelt shall in good faith cooperate in the development of the System by allowing part of same to be built and operated on property which now is or at some future date may be owned or controlled by Sunbelt.

2. Any land or property, or interest therein, required for construction, maintenance or use of the System shall be purchased by the NFTA at the expense of Sunbelt for fair market value, including land or property owned by any of the Parties.

3. The NFTA agrees to construct the System in a professional and workmanlike manner, and in an architectural style which blends with and enhances the architectural styles of both Walden Galleria and Thruway Mall.

4. The Parties agree that the cost of necessary land acquisition, design, permitting and construction, and interest thereon at the prime rate incurred by Sunbelt, shall be amortized and recovered by equal monthly payments scheduled over a twenty year period to be paid solely from fares established by the NFTA and collected by the NFTA from the users of the System, provided that, in the event that the System is discontinued prior to the recovery by Sunbelt of its said costs at such prime rate, the NFTA will apply

and pay over to Sunbelt so much of any profit theretofore realized from the fares collected by NFTA on the operation of such system as may be necessary to effect such recovery and further provided, in the alternative, that if the fares so collected by NFTA have not provided sufficient revenue to amortize the said costs and interest during such twenty year period, the NFTA will, if the System is still operative, continue to pay over to Sunbelt the net revenues after payment of operating and maintenance expenses until Sunbelt's said costs and such interest have been recovered or until the System is thereafter sooner discontinued.

5. The Parties agree that the costs of operating and maintaining the System will be paid entirely by the fares charged to users of the System before application of any part of such fares to the amortization provided for in paragraph 4 above.

6. Sunbelt and Pyramid (each hereinafter referred to in this paragraph 6 as the "previous owner") each independently retains the right to require the NFTA to sell back to it whatever property the NFTA has acquired from it for the System pursuant to this Agreement. Such right shall be exercised only in the event the System is discontinued as referred to in paragraph 4 above, and the NFTA elects not to

incorporate the System into the surface rail link between Downtown Buffalo and the Greater Buffalo Airport within one (1) year of the discontinuance of the System, and only under the following terms:

a) the NFTA shall sell such property back to the previous owner at the price at which such property was originally acquired from the previous owner pursuant to this Agreement;

b) the sale shall be made at the request of the previous owner who shall agree to accept such property in its then condition; and

c) upon receiving title to the property it formerly owned, the previous owner shall have the exclusive right and privilege to remove any part of the System then existing on the re-acquired property at a time and in a manner solely to be determined by the previous owner.

7. The Parties agree that each shall make every reasonable effort to assist the NFTA in the construction, operation and maintenance of the System, including, but not limited to cooperating with NFTA in its efforts to obtain all necessary easements, rights-of-way, permits, licenses, environmental reviews, and the authorization and cooperation of any other individual or governmental or other necessary

entity.

8. This entire Cooperation Agreement is subject to each and every one of the following conditions and limitations:

a) It is understood and agreed between and among the Parties that no cost of designing, permitting or constructing, maintaining or operating the System, including any costs associated with Paragraph 5 above shall be paid by Pyramid or become an assessment of any kind or nature on Pyramid or any of its successors, assigns or affiliated entities as these terms can be most broadly construed;

b) It is understood and agreed between and among the Parties that Pyramid reserves to itself the right to be the sole arbiter under this Cooperation Agreement of the suitability of the architectural style referred to in Paragraph 2 hereof, and no cooperation shall be required of Pyramid under this Cooperation Agreement in the event that Sunbelt and/or NFTA cannot provide a design of an architectural style acceptable to Pyramid provided, however, that Pyramid shall not unreasonably withhold its approval; and,

c) It is understood and agreed between and among the Parties that nothing in this Cooperation Agreement shall be interpreted to require Pyramid to operate in violation of any applicable local law or ordinance, including a zoning ordinance, or any other statute or regulation of the State of New York or the United States of America, or to require Pyramid to seek variances from any such statutes or regulations in order to fulfill any term or condition of this Cooperation Agreement.

9. It is understood and agreed between and among the Parties that this Cooperation Agreement shall terminate if Sunbelt does not give evidence to the Parties, by midnight, December 31, 1990, of an expenditure of a minimum of \$150,000.00 (One Hundred and Fifty Thousand Dollars) for the design of the System during calendar years 1989 and 1990. Such evidence shall take the form of a written description of the work done, a depiction of all design drawings, and copies of all invoices for such work marked as paid in full.

10. It is further understood and agreed by the Parties that if this Cooperation Agreement does not terminate pursuant to Paragraph 9 above, it shall, in any event, terminate on the fifth anniversary of the date on the face

hereof regardless of the dates of execution by the Parties, unless substantial construction of the System has been initiated prior to said fifth anniversary.

11. It is further understood and agreed by the Parties that this Cooperation Agreement may not be legally binding on NFTA. In the event that NFTA determines that this Cooperation Agreement is not legally binding on NFTA, and NFTA does not approve the building of the System, then this Cooperation Agreement shall be void ab initio as to all of the Parties.

12. This Cooperation Agreement cannot be assigned by any Party to any other person, or entity in any form without the prior written consent of every other Party, which consent cannot be unreasonably withheld.

13. Any notice required to be given pursuant to this Cooperation Agreement shall be given in writing and directed as follows:

For Sunbelt, to

Thomas F. Walsh
Nixon, Hargrave, Devans
& Doyle
Lincoln First Tower
P.O. Box 1051
Rochester, New York 14603

For the NFTA, to

Charles Hart

Buffalo, NY 14203

For Pyramid, to

Alice J. Kryzan
Whiteman Osterman & Hanna
The Guaranty Building
28 Church Street
Buffalo, NY 14202

14. Each of the parties, through his respective counsel, shall notify all other parties of any change in representative or address for purposes of giving any and all notices required by this Agreement. Such notice of change in representative or address shall be in writing. A failure to provide such notice shall excuse all parties from any misdirected notice.

IN WITNESS THEREOF, the undersigned have executed this document to take effect as of the date first set forth above.

Sunbelt Savings FSB

By: _____

Name

Title

Dated: _____

Niagara Frontier Transportation
Authority

By: Dominic J. Terranova
General Counsel

Dated: _____

Pyramid Company of Buffalo

By: Kenneth D. Cannon
Partner

Dated: _____

EXHIBIT D

INDEMNIFICATION AGREEMENT

This Indemnification Agreement, regardless of the place of execution by the respective parties hereto, is made in the State of New York this eleventh day of November, 1988 by and between the Pyramid Company of Buffalo, a partnership with its main office at 3729 Union Road, Cheektowaga, New York 14225 (hereinafter referred to as "Pyramid") and Donald G. Sager, who resides at 69 Tillotson Avenue, Cheektowaga, New York 14225 (hereinafter referred to as "Mr. Sager").

Whereas, Mr. Sager is a Plaintiff in six different lawsuits currently pending against Pyramid which challenge the legality or propriety of different aspects of the approval and construction by Pyramid of a regional shopping center known as the Walden Galleria in the Town of Cheektowaga, New York (hereinafter referred to as "the environmental litigation"); and,

Whereas, the environmental litigation consists of the following lawsuits: Nader, et al. v. Cheektowaga Central School District Board of Education, et al., (Index Nos. H-94786 and H-94787), Geiss, et al. v. Gallagher, et al., (Index No. 05192-88), Geiss, et al. v. Niagara Frontier Transportation Authority, et al. (Index No. 05192-88) and Polanski, et al. v. Swiatek, et al. (Index Nos. 06543/88 and 06544/88); and,

Whereas, Mr. Sager is a Defendant in a lawsuit currently pending in the United States District Court for the Northern District of New York (hereinafter referred to as "District Court") entitled Gary Dower v. Ralph R. Dickinson, Donald G. Sager and the Town of Watertown, Civil Action No. 88-CV-895 (hereinafter referred to as the "Dower litigation") alleging that Mr. Sager conspired with his co-defendants therein to libel Mr. Dower; and,

Whereas, Mr. Sager has entered into settlement discussions with Mr. Dower through their respective counsel and any settlement successfully concluded is expected to include a statement by Mr. Sager regarding the true factual bases for certain actions or events which are the subject of the Dower litigation and the withdrawal of a claim for money damages by Mr. Dower against Mr. Sager; and,

Whereas, Mr. Sager is desirous of also obtaining full financial protection against any claim or claims for contribution that may be later made against him by his co-defendants in the Dower litigation after Mr. Sager is dismissed from that action; and

Whereas, Pyramid is willing to offer certain indemnity protection to Mr. Sager in the Dower litigation in exchange

for the withdrawal of the environmental litigation by all plaintiffs therein under the terms set forth in the document entitled "Settlement Agreement, Mutual Release and Waiver of Future Claims," dated November 11, 1988, to which a copy of this Indemnification Agreement is attached and made a part thereof.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, Mr. Sager and Pyramid hereto agree as follows:

1. Pyramid hereby agrees to indemnify and hold Mr. Sager harmless from and against certain damages, attorneys fees and costs as described in paragraph 2 below as a result of any claim or claims for contribution which may be asserted against Mr. Sager personally by Defendants Ralph R. Dickinson ("Dickinson") and the Town of Watertown ("Watertown") in the Dower litigation.

2. This Indemnification Agreement is limited to those damages, attorneys' fees and costs of litigation which:

a) With respect to costs and attorneys' fees, are incurred after the date of entry of an Order of Dismissal of the Dower litigation by Mr. Dower in favor

of Mr. Sager with the Clerk of the District Court; and,

b) Are the result of the successful prosecution to judgment or settlement by Mr. Dower of his claims against Dickinson and/or Watertown in litigation; and

c) Are the result of the successful prosecution to judgment or settlement by Dickinson or Watertown or both of them of a claim or claims of contribution against Mr. Sager solely and personally, which claim or claims have also been formally asserted in the litigation; and,

d) Are not otherwise covered by Mr. Sager's Exchange Insurance Company Homeowner's Policy (Policy No. 566-08-41105) and General Accident Insurance Personal Excess Catastrophe Policy (Policy No. PXC 91202), copies of which are attached hereto as Exhibit A.

3. In the event either or both of the insurers under the policies listed in Exhibit A hereto decline any or all coverage under those policies for any reason whatsoever, Mr. Sager will initiate, at Pyramid's request, a declaratory judgment action or actions, to determine the existence and scope of coverage of the policies. Pyramid agrees to fund

such litigation and Mr. Sager further agrees to fully cooperate in the initiation and maintenance of such declaratory judgment action or actions, for which Pyramid shall provide his sole counsel.

4. Pyramid agrees not to divulge the limits of coverage in Mr. Sager's Exchange Insurance Company Homeowner's Policy (Policy No. 566-08-41105) and General Accident Insurance Personal Excess Catastrophe Policy (Policy No. PXC 91202) to Mr. Dower or his attorneys until the date of filing of a final judgment or Order of Dismissal upon settlement in the Dower litigation with the Clerk of the District Court. After the date of such filing, Pyramid agrees to treat and maintain such information in the manner of normal proprietary business information, on a need to know basis for individuals within the corporation.

5. This Indemnification Agreement does not replace or in any way stand in the place of the coverage provided by the policies listed in paragraph 2(d) above.

6. This Indemnification Agreement was agreed to by Pyramid and Mr. Sager solely as part of the settlement of the environmental litigation. No language or provision in this Indemnification Agreement is intended to be nor shall

be construed now or in the future to be an admission of actual liability on the part of Pyramid for any damages to Mr. Sager or to any other party in connection with the merits of the Dower litigation. No language or any provision in this Indemnification Agreement is intended to be or shall be construed now or in the future to be an admission that Pyramid acted in consort or agreement with Gary Dower to commence the Dower litigation or to conduct the Dower litigation in any manner whatsoever.

7. No language or provision in this Agreement is intended to be or shall be construed to mean that Pyramid has agreed to indemnify Mr. Sager for any claims by Dickinson and/or Watertown or any other person or entity in connection with any other lawsuit, administrative action or other proceeding whatsoever.

8. This Indemnification Agreement and the obligations assumed hereunder will take effect on the date on which the Orders of Dismissal in the environmental litigation are filed with the Clerk of the Courts in Erie County, New York. Pyramid shall notify Mr. Sager of such filing.

9. Mr. Sager agrees to notify Pyramid of any claim which Mr. Sager reasonably believes to be covered by this

Indemnification Agreement within ten days of receipt of notice of such claim. Such notice to Pyramid shall contain a copy of any writing evidencing such claim. All other information in Mr. Sager's possession regarding such claim shall be forwarded promptly to Pyramid. Pyramid reserves the right, at its own expense, to participate in the defense of such claim, demand or action or, if it so chooses to assume and control the defense, with counsel of its own choosing, of that part of such claim for which Pyramid may be required to provide indemnification under this Indemnification Agreement.

10. No claim for indemnification shall be made under this Indemnification Agreement later than thirty days after the date of expiration of the applicable Statute of Limitations for the underlying claim or claims of contribution. Pyramid reserves the right to assert a Statute of Limitations defense against any claim or claims for contribution underlying a claim for indemnification under this Indemnification Agreement. The claim for indemnification shall be in writing and include sufficient information for Pyramid to assess the extent of its obligation to Mr. Sager under the Indemnification Agreement. Mr. Sager hereby agrees to cooperate fully in the provision of such information to Pyramid. Any failure by Mr. Sager to

provide any information reasonably requested by Pyramid shall relieve Pyramid of any and all obligations under this Indemnification Agreement.

11. Mr. Sager agrees to act reasonably and in good faith in the conduct of the defense of any claim or claims for contribution referred to in this Indemnification Agreement and for which a claim may be made under this Indemnification Agreement and shall exercise prudent judgment in regard thereto.

12. Any notice required to be given under this Indemnification Agreement shall be in writing and directed as follows:

By or to Mr. Sager, to:
Donald G. Sager
69 Tillotson Avenue
Cheektowaga, New York 14225

By or to Pyramid, to:
Alice J. Kryzan, Esq.
Whiteman Osterman & Hanna
The Guaranty Building
28 Church Street
Buffalo, New York 14202

13. Each of the parties, through his respective counsel, shall notify all other parties of any change in representative or address for purposes of giving any and all notices required by this Agreement. Such notice of change

in representative or address shall be in writing. A failure to provide such notice shall excuse all parties from any misdirected notice.

Pyramid Company of Buffalo

Kenneth D. Cannon
Partner

Agreed and Accepted:

Dated: _____

Donald G. Sager

Dated: _____

Item No. 12b Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz

WHEREAS, on June 30, 1988, the Town became the owner of that portion of the former Lehigh & Lake Erie Branch railroad line between William Street and the Buffalo River, and

WHEREAS, a portion of such Town property lies adjacent to property owned by Mr. and Mrs. William P. Hart at and

WHEREAS, Mr. & Mrs. Hart have requested the Town to grant them a license to utilize a 28 foot wide portion of Town property adjoining their property for a parking lot and for ingress and egress to their property, and

WHEREAS, by virtue of the attached License Agreement, the Town will receive an annual payment of \$500.00 for such license, and

WHEREAS, adequate provision has been made in such License Agreement for Town use of such land and termination of this agreement, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached License Agreement with Mr. and Mrs. Hart.

* See next ten (10) pages for agreement

Upon Roll Call....

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

LICENSE AGREEMENT

THIS AGREEMENT, made as of this 19th day of December, 1988, by and between the TOWN OF CHEEKTOWAGA, having office at Broadway and Union Road, Cheektowaga, New York, hereinafter referred to as the "Licensor", and WILLIAM P. HART and JENNIE HART, both of whom reside at _____, Orchard Park, New York, hereinafter referred to as "Licensee".

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CHEEKTOWAGA
TOWN CLERK

W I T N E S S E T H :

WHEREAS, Licensee wishes to use, and Licensor wishes to grant a license to Licensee for the premises described below, in accordance with a resolution adopted by the Licensor on December 19, 1988, a copy of which is annexed hereto as Exhibit A, and which is incorporated herein;

NOW, THEREFORE, that in consideration of the mutual covenants herein expressed, the parties hereto agree as follows:

1. That the Licensor hereby grants a license to the Licensee to the following described property, which shall hereinafter be referred to as the "Premises".

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Log No. 76, Township 10, Range 7 of the Buffalo Creek Reservation bounded and described as follow:

BEGINNING in the southerly line of Dingens Street, 585.27 feet easterly of its intersection with the easterly line of Rossler Avenue; said point of beginning being at the intersection of the southerly line of Dingens Street with the westerly line of land formerly owned by the Lehigh Valley Railroad Company; thence southerly along the westerly line of said Lehigh Valley Company railroad lands, 349.5 feet to a point in the northerly line of the Niagara Thruway; thence easterly along the northerly line of the Niagara Thruway 28 feet to a point; thence northerly parallel to the first course herein, 349.5 feet to the southerly line of Dingens Street; thence westerly along the southerly line of Dingens Street to the point of beginning.

2. That the Licensee is to pay to the Licensor for the use of the Premises annual rent of Five Hundred (\$500.00) Dollars payable annually on January 1st of each year.

The rent payable hereunder shall be adjusted every five years to reflect any changes in the Index between the date hereof and each succeeding five year anniversary of one date of this Agreement. For purposes of this Agreement, the term "Index" means the United States Department of Labor Consumer Price Index, all urban consumers, for the geographical area of Buffalo, New York. In the event that the official

base or the Index is changed during the original term of this license, then the percentage of increase in the Index prior to any such changes will be combined with the percentage of any later increases for the purposes of calculating any rental escalation. In the event that the method of computing the Index is changed by the Bureau of Labor Statistics, through the inclusion or exclusion of the prices of certain commodities or services in the computation of the Index or in any other manner not provided for in this Agreement, such changes are hereby declared to be acceptable to the parties for the purposes of making the adjustments provided for in this section. In the event that the official publication of the Index should be discontinued, the parties shall use some comparable index if available, or if not available, shall mutually agree upon the use of some other index for computing the rent escalations provided for in this Agreement.

3. That as a further consideration of the grant of a license to Premises by the Licensor to the Licensee, the Licensee is to carry during the term of this Agreement or any renewal thereof a comprehensive public bodily injury liability insurance policy with limits of at least Two Hundred Fifty Thousand (\$250,000.00) Dollars for any one person and Five Hundred Thousand (\$500,000.00) Dollars for more than one person for any one occurrence, and comprehensive public property damage liability insurance with a limit of at least Two Hundred Fifty Thousand (\$250,000.00) Dollars for any one

occurrence or in such lesser amounts or limits as may be acceptable to the insurance consultant to the Town of Cheektowaga, Licensee hereby agrees to furnish the Licensor, prior to taking possession of the above described Premises, with a certificate of insurance signed by insurers acceptable to the Licensor indicating that the aforementioned insurance is in full force and effect and that the Licensor is named as an additional insured and that the Licensor will at the Supervisor's Office, Insurance Department, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, receive at least thirty (30) days' prior notice of the cancellation or any modification to the insurance as herein required.

The Licensee shall indemnify, hold harmless and defend the Licensor, its agents and employees, from and against any and all liability for losses, damages, or expenses which the Licensor may suffer or for which the Licensor may be held liable by reason of bodily injury including death, to any person or persons, or by reason of damage to or destruction of any property, including loss of use thereof arising out of or in any manner connected with the use of said premises by the Licensee directly or indirectly whether or not such injury or damage be attributed or claimed to be attributed to the negligence of the Licensor, its agents, servants or employees, or otherwise. Provided, however, that nothing contained herein shall be deemed to indemnify Licensor, its agents, successors and assigns for their gross negligence.

4. That the Licensee is to use the Premises only as a parking lot for motor vehicles, and for ingress and egress to the Licensee's adjacent property. Licensee shall prepare and maintain the Premises for such purpose at its own expense and is to use the Premises for no other purpose without the written consent of the Licensor.

5. Licensee shall observe and comply with all laws, ordinances, orders, rules and regulations of any Federal, State, County or Municipal authorities applicable to the Premises. Licensee shall not permit anything to be done in or on the Premises, or keep anything therein, which will increase the rate of insurance premiums on the improvements, or any part thereof, or on property kept therein, or which will interfere with the rights of other users, or conflict with the regulations of the Fire Department or with any insurance policy upon the Premises or any part thereof.

6. That the use of the Premises by the Licensee shall not in any manner interfere with the Licensor's right of free ingress and egress to all parts of the Premises. The Licensor specifically shall have and hereby reserves the right to enter the Premises at all times, to examine same, to install any pipes, culverts or other structures for the proper drainage of land situate in the Town, (specifically to construct an open drainage ditch) and to make such repairs, alterations, improvements or additions, as the Licensor shall in its sole and absolute discretion deem necessary and desirable.

7. This Agreement may be assigned by the Licensee without the consent of the Licensor but only if such assignment is in connection with the sale, transfer or assignment of the real property adjacent to and/or appurtenant to the Premises.

8. If any person or corporation, municipal, public, private or otherwise (other than the Licensor), shall at any time during the term of this License, lawfully condemn and acquire title to the Premises, or any portion thereof, in or by condemnation proceedings pursuant to any law, general, special, or otherwise, the Licensor shall be entitled to, and shall receive the award, or payment therefor, free, clear and discharged of every claim of every kind whatsoever by or on the part of the Licensee, and such award or payment is hereby transferred and assigned to the Licensor by the Licensee.

9. The Licensor and Licensee hereby further agree as follows:

(a) The Licensee hereby acknowledges that the Licensor has made no representations and warranties concerning its interest, if any, in the Premises.

(b) Licensee shall maintain the Premises in a reasonable manner acceptable to the Town of Cheektowaga.

(c) The Licensor may terminate this Agreement upon six (6) months advance notice in the event the Licensor needs the Premises for the improvement of public storm sewers and/or open drainage system in the Town. In the event of such

termination, Licensee shall, within the six month notice period, elect one of the following options:

(i) Pay for the construction of a retaining wall for the Premises as approved by the Licensor, which wall will be constructed to support the parking activities to be conducted on the Premises, and also prevent the erosion of the sub-soil; or

(ii) Pay for drainage pipe (but not the installation thereof) to be used in an underground drainage ditch; or

(iii) Abandon the License granted herein.

In the event Licensee elects options (i) or (ii), above, this Agreement shall continue in full force and effect.

(d) Licensee may terminate this Agreement by providing Licensor with six (6) months advance notice of its intention to do so.

10. That the Licensee, at the expiration of this Agreement or any renewal thereof, will surrender up the Premises to the Licensor in as good condition as when taken, necessary wear and damage by the elements excepted, and such improvements as have been made by the Licensee, if any, shall become part of the Premises and belong to the Licensor, such improvements being a part of the considerations for this Agreement.

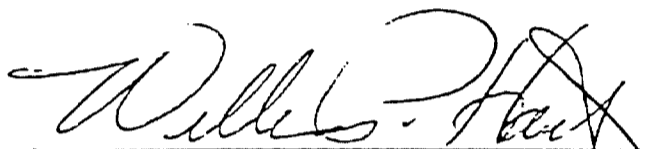
11. Any notices to be given pursuant to this

Agreement shall be in writing and sent by certified mail, return receipt requested, to the other party at their respective address as set forth at the beginning of this Agreement.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the date first above written.

TOWN OF CHEEKTOWAGA

By 
FRANK SWIATEK, Supervisor


WILLIAM P. HART


JENNIE HART

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 19th day of December, 1988, before me, the subscriber, personally appeared FRANK SWIATEK, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga; that he is the Supervisor of the Town of Cheektowaga, the corporation described in and which executed the foregoing Instrument; that he knows the seal of such corporation; that the seal affixed to said 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 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

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 14th day of December, 1988, before me, the subscribers, personally appeared WILLIAM P. HART and JENNIE HART, to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they acknowledged to me that they executed the same.

MICHAEL SCHIAVONE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires December 31, 1988

Michael Schiavone
Notary Public

LICENSE AGREEMENT
BETWEEN
THE TOWN OF CHEEKTOWAGA
AND
WILLIAM P. HART and
JENNIE HART

LIPSITZ, GREEN, FAHRINGER, ROLL,
SCHULLER & JAMES
ATTORNEYS AT LAW
ONE NIAGARA SQUARE
BUFFALO, NEW YORK 14202
(716) 849-1333

Item No. 12c Motion by Councilman Johnson, Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga has numerous private businesses that store and/or manufacture hazardous materials, and

WHEREAS, the Town of Cheektowaga is also in an area heavily traveled by trains, planes, trucks, etc. which may be carrying hazardous materials, and

WHEREAS, the Town is in need of professional services to assist the Town with emergency response, waste cleanup, hazardous substance risk assessment and similar occurrences in the event such disasters occur in the Town, and

WHEREAS, the Cheektowaga Fire District Officers Association has urged the Town to retain an organization to assist the Town in planning and preparation in dealing with the catastrophic release of hazardous materials, and

WHEREAS, Ecology & Environment has drafted and submitted an agreement to the Town, which agreement would enable the Town to have immediate telephone access to Ecology & Environment for consultation and to request Ecology & Environment to provide emergency response and contingency planning assistance services to the Town, and

WHEREAS, by entering into this agreement with Ecology and Environment, Inc., the public benefit will be served by the availability of hazardous waste response expertise, and

WHEREAS, moneys for such agreement, \$4,300.00, are available in the 1989 Town budget, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Emergency Response Services Agreement with Ecology & Environment for a period of one year, and BE IT FURTHER

RESOLVED that the fee for such agreement \$4,300.00 shall be appropriated from the 1989 Town budget line item number 01-1220-0004-4010 and shall be paid to Ecology & Environment in January of 1989.

* See next eleven (11) pages for agreement

Upon Roll Call....

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



ecology and environment, inc.

BUFFALO CORPORATE CENTER
368 PLEASANTVIEW DRIVE, LANCASTER, NEW YORK 14086, TEL. 716/684-8060
International Specialists in the Environment

EMERGENCY RESPONSE SERVICES AGREEMENT

FOR

FIRST RESPONDERS TO HAZARDOUS MATERIALS INCIDENTS

December 1, 1988

Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York
Attn: Earl Loder

Re: Retainer Program Agreement to Engage
Ecology and Environment, Inc.,
for Emergency Response Services, etc.

ERS Agreement No. 004

Dear Sir:

When executed by TOWN OF CHEEKTOWAGA (hereinafter "Company") in the space provided for below, this Emergency Response Services Agreement (hereinafter "Agreement") will constitute Company's enrollment in the Ecology and Environment, Inc., (hereinafter "E & E") Subscription Program for emergency response services. Such enrollment grants an option to Company to engage E & E in connection with any emergency response, waste site cleanup, hazardous substance risk assessment, or similar occurrence posing the possibility of imminent harm to persons, property, or the environment arising during the term of this agreement. Such engagement by Company of E & E shall be at predetermined rates and terms.

E & E has represented that it offers services in the interrelated areas of emergency response, waste site cleanup, and hazardous substance risk assessment. E & E has also represented that it can quickly mobilize and deliver teams of skilled and experienced field personnel in each of these three areas, as well as related technical areas, to any location in the continental United States, and provide substantial support to Company's and/or E & E field personnel with in-house experts, medical and health monitoring, toxicology hotlines, technical capability, and equipment. E & E also has represented that its services can be provided in a technically sound yet cost-effective manner, with appropriate consideration for the health and safety of the public, cleanup personnel, and the environment. E & E also has represented that it can provide appropriate documentation and testimony with regard to services which it furnishes, in administrative or court proceedings, as may be requested by Company.

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TOWN CLERK

As a consequence, Company and E & E wish to establish a professional relationship at this time, and to agree upon certain general terms and conditions that will govern any services which Company may request E & E to perform.

In view of the foregoing, Company and E & E agree as follows:

1. **Term and Territory**

The term of this Agreement shall be one (1) year from the date of signature. Services to be provided shall be solely within the land areas and inland waterways of the continental United States. The term of this Agreement shall be automatically renewed for one or more one-year periods, upon the same terms and conditions (subject to increases in labor rates as may be communicated to Company on an annual basis and any other terms as may be mutually agreed upon in writing), unless either party serves written notice upon the other of termination at the end of such one-year period, which notice must be served by registered mail or telegram thirty (30) days prior to the end of such one-year period.

2. **Retainer Program Fee**

Company agrees to pay E & E, upon execution of this Agreement, a lump sum of \$4,300. The fee will be for one year.

3. **Retainer Program Services**

a. Payment of the fee will entitle Company, by its authorized representatives hereinafter identified, to have immediate telephone access to qualified E & E emergency response personnel and technical experts 24 hours a day, 365 days a year, for purposes of consultation with regard to any occurrence posing the possibility of imminent harm to persons, property, or the environment.

b. Payment also will entitle Company's authorized representatives hereinafter identified, to request E & E to provide such emergency response, waste site cleanup, hazardous substance risk assessment, or other similar technical services, as may be required, and to request E & E to rapidly mobilize and commit and hire the necessary personnel and equipment required all in accordance with the general terms and conditions annexed hereto, made a part hereof, and designated as Exhibit A. It is specifically understood and agreed that the making of this request for services by Company's authorized representatives commits Company to compensate and reimburse the expenses of E & E and/or any subcontractor, consultant, or vendor hired by E & E in connection with any work requested, in accordance with the terms of Exhibits A, and B, and C (as may be amended in accordance with Exhibit A, Paragraph 3.a).

EXHIBIT A

Exhibit to Emergency Response Services Agreement (hereinafter "Agreement") between ECOLOGY AND ENVIRONMENT, INC. ("E & E"), and TOWN OF CHEEKTOWAGA ("Company"), executed the 19th day of December, 1988.

WHEREAS, Company's authorized representative has requested E & E to perform certain technical and consulting services on an emergency basis, and E & E wishes to provide such services;

NOW, THEREFORE, E & E and Company agree as follows:

1. Scope of Work

a. E & E agrees to provide and furnish, as soon as reasonably possible, any and all personnel, equipment, and material which E & E, in its discretion, may deem necessary or appropriate in connection with the particular emergency response, waste site cleanup, hazardous substance risk assessment, or other similar type of work which has been authorized by Company.

b. E & E and Company agree and recognize that, in connection with the work to be performed hereunder, E & E acts as a technical consultant to Company, and that where time and circumstances allow, E & E's representative shall consult with Company's representative to define the scope of work to be performed; outline alternative strategies and approaches to the work to be performed; and obtain advance authorization by Company for any specific work to be performed, and/or for the commitment of personnel, equipment, and material to the work to be performed. A claim by Company that E & E has breached this covenant 1.b shall not, however, be deemed material, and shall not permit Company to refuse or delay payment of compensation or expense reimbursement to E & E or any subcontractor, consultant, or vendor hired in connection with the work.

c. E & E and Company recognize and agree that, at the outset of work to be performed hereunder, the specific scope of work may be ill defined. During the progress of the work authorized, E & E agrees to consult frequently with Company's designated representative in order to coordinate the specific work being performed with Company's overall goals and objectives, including daily telephone or radio contacts where practical. E & E shall also furnish Company's designated representative, as soon as time permits, and during each week of progress of the work hereunder, a brief report of the work performed and progress made, an estimate of the total cost of the work performed, and the costs thereof to be incurred in the next succeeding week.

d. It is specifically understood and agreed between E & E and Company that E & E, upon authorization by Company, E & E shall have the authority, for Company's account, and as authorized agent for the Company to hire such subcontractors, equipment, means of transportation, personnel, and materials as E & E may deem necessary to perform the work. E & E agrees, to the extent feasible, to avail itself of Company's equipment, personnel, and materials, provided that the same

can be employed in a safe and timely manner, under all relevant circumstances.

e. E & E shall furnish a complete report of its activities to Company, including appropriate back-up documentation, at the conclusion of each event for which its services have been requested and provided.

2. Levels of Response

a. E & E may respond hereunder, pursuant to Paragraph 1, "Scope of Work," in one or more of the following manners:

i. by providing on-site coordinators and contracting directly with cleanup contractors to facilitate and monitor cleanup.

ii. by providing Company with Directory Information (see Paragraph 5.a below) as to name, addresses, and telephone numbers of cleanup contractors with whom Company may directly contract for services.

iii. by providing Company with Directory Information as to the nature of specific substances or hazards, health and safety, and cleanup procedures.

b. E & E will not contract with cleanup contractors where E & E is not present on-site to supervise and monitor cleanup activities. In such circumstances, Company must directly contract with the cleanup contractors, and Company will be solely responsible for supervision and monitoring thereof.

3. Payment for Work

a.i. Company agrees to reimburse E & E for all costs and out-of-pocket expense incurred by E & E in connection with the work authorized, and to pay E & E compensation for all services performed in connection with the work authorized, in accordance with E & E's then current schedule of rates and fees. E & E's current hourly rate sheet is attached hereto for reference as Exhibit C and it is understood that said schedule of rates and fees shall be subject to annual revision as indicated thereon. Such payments shall be made within thirty (30) days of presentation of an invoice therefore by E & E. Any outstanding balance after thirty (30) days shall accrue an additional monthly charge of one-and-one-half (1-1/2) percent.

a.i.i. It is understood and agreed that E & E shall apply any retainer fee balance existing in company's retainer account, toward satisfaction of any invoices issued by E & E for authorized services performed by E & E hereunder. In the event no retainer fee balance exists in company's retainer account, or to the extent that an existing balance is insufficient to cover the total invoice amount, company agrees to reimburse E & E for the unpaid amount of any outstanding invoice in accordance with E & E's then current schedule of rates and fees.

a.i.i.i. Any portion of the retainer fee remaining in company's retainer account at the conclusion of the fiscal year of this agreement, and on every anniversary thereafter, should be re-evaluated and applied as follows:

1) In the event the agreement is renewed, sixty percent (60%) of any portion of the retainer fee remaining in company's retainer account should be carried over in the company's retainer account for the following year and serve as a credit toward any outstanding invoices or portion thereof which relate to routine consulting services and associated expenses provided by E & E to company during the year immediately following the contract year in which the retainer account carry over occurred. Routine consulting services shall be provided at the convenience of E & E and shall be clearly defined by a separate scope of work.

2) The forty percent (40%) of amounts remaining in company's retainer account at the end of the agreement and any other amounts in company's retainer account which are not carried over as specified in paragraph 3 (a.i.i.i), above, shall be forfeited by company.

b. Company agrees to reimburse all costs and out-of-pocket expense incurred and to compensate for all services performed by any subcontractor or vendor hired by E & E in connection with the work authorized, within thirty (30) days of presentation of invoice therefor. Compensation for subcontractor or vendor services shall be the sum of the cost to E & E plus ten percent (10%) of this cost. To the extent that E & E has been compensated for these services, E & E will hold Company harmless from any claim for direct payment of the same.

c. To the extent that emergency services rendered hereunder require E & E personnel to work in excess of eight (8) hours per day, to hire and/or supervise subcontractors, to use personal safety and field monitoring equipment, or to appear in court proceedings, the charges for such services shall be in accordance with Exhibit C, appended hereto.

d. E & E and its subcontractors and vendors, if any, shall maintain true and correct records in connection with their services and all transactions related thereto, and agree to retain all such records for at least twelve (12) months after tendering of an invoice for payment to Company.

4. Independent Contractor

In performing any and all work hereunder, E & E shall be as an independent contractor, except to the extent that, pursuant to Paragraph 1.d of this Exhibit, E & E has acted as an authorized agent of Company in hiring consultants, subcontractors, personnel, equipment, or materials for Company's account. E & E shall retain complete control over its own personnel and operations, and in connection therewith, conform to all federal, state, and local laws, regulations, and orders with respect to its employees and operations. Neither E & E nor its employees shall be, in any sense, Company's partner, joint adventurer, or employee.

5. Directory Information

a. Definition of "Directory Information": When used in this Exhibit, "Directory Information" refers to information supplied by E & E from its compilation of data from sources including but not limited to industrial directories, service directories, data services, standard reference texts, government publications, E & E's listings of spill contractors and E & E's proprietary data bases and computer models. Company recognizes that, due to the nature and character of the industry, Directory Information provided to Company in one response may or may not be appropriate in another response, and should not be relied upon without further consultation with E & E.

b. E & E may, in the course of providing services hereunder, provide Company with Directory Information relating to cleanup contractors or other specialty firms. By providing such information, E & E does not warranty or guarantee the services ultimately provided by said cleanup contractor or specialty firm.

c. E & E may, in the course of providing services hereunder, provide Company with Directory Information relating to the nature of specific substances or hazards, health and safety, or cleanup procedures. Reference by E & E to specific products or proprietary procedures does not constitute an endorsement or recommendation of same by E & E.

d. To the extent that E & E is providing Company with Directory Information, Company recognizes that E & E is relying upon Company to fully and adequately provide E & E with all pertinent data relating to the service requested, E & E will not be responsible for, and Company agrees to hold harmless, indemnify, and defend E & E from any and all claims or suits that arise in whole or in part out of Company's reliance upon Directory Information or Company's failure to provide E & E with all data required to characterize an incident, whether Company was in possession of such data or not.

6. Legal Liability

a. The parties acknowledge that E & E may be called upon to perform services under this Agreement, on an emergency basis, or otherwise, and/or at sites where neither E & E or Company may be aware of the extant site conditions or potential hazards or risks posed to persons, property, health, or the environment. Company and E & E acknowledge that the services provided by E & E under this Agreement will be directed toward the remediation and mitigation of losses caused by incidents which have already occurred and for which E & E has no prior knowledge nor for which E & E bears any responsibility. Company and E & E understand that, as a result of those incidents, claims by third parties for personal injury and property damage may be made. Consequently, Company shall indemnify, defend, and save E & E harmless from and against any and all loss, damage, injury, statutory or regulatory violation, liability to or death of any person, including any employee of Company or E & E or for loss of or damage to property, including claims therefore and reasonable attorney fees arising therefrom, which is not proximately caused by the negligence or reckless or wilful misconduct of E & E, its officers, or employees. E & E shall indemnify and save Company harmless from or against any and all loss,

damage, injury, liability to or death of any person, including an employee of Company or E & E, or for loss of or damage to property, including claims therefore, which is solely and directly caused by the negligence, reckless misconduct, or wilful misconduct of E & E, its officers, or employees.

b. For purposes of defining the scope of indemnifications provided pursuant to this Paragraph 6, it shall be presumed that any aggravated liability to or death of any person or aggravated loss of or damage to property, including claims therefore and reasonable attorney fees arising therefrom, which result from the delay by Company in notifying and/or authorizing E & E to proceed hereunder, shall be within the scope of the indemnification provided by Company to E & E to the extent that such aggravated liability, loss, damage, or death is attributable to said delay.

7. Insurance

E & E shall, during the term hereof, and in the course of performing any work authorized by Company, maintain appropriate Workers' Compensation and Employer's Liability insurance in conformance with the law of the state and jurisdiction where any work is performed. In addition, E & E shall maintain a Comprehensive General Liability policy which includes general bodily injury liability insurance in an amount of not less than five hundred thousand dollars (\$500,000) per occurrence, broad form property damage liability insurance in an amount of not less than one hundred thousand dollars (\$100,000) per occurrence, and automobile liability insurance extending to owned and non-owned and hired automobiles in an amount of not less than five hundred thousand dollars (\$500,000) per occurrence.

8. Termination

a. Notwithstanding, and in addition to any remedy provided by law, Company may terminate services provided pursuant to this Exhibit by giving written notice delivered personally to E & E's representative, with a telegraphic copy to E & E at the address provided in the Subscription Program Agreement. Such notice of termination shall become effective forty-eight (48) hours after delivery.

b. During the forty-eight (48)-hour period between delivery of notice of termination and its effective time, E & E shall notify subcontractors, vendors, and consultants as it may have hired in connection with the work, of such termination and furnish to Company the names, addresses, and representatives of all subcontractors, consultants, and vendors.

9. Termination for Convenience

The Agreement to which this Exhibit A is attached may be terminated for convenience by either party at any time, upon thirty (30) days' notice by E & E to Company. In such an event, E & E shall return to Company the unused amount of the retainer agreement fee. If Company terminates the remainder of the retainer fee is forfeited. In the event of such a termination, Company shall remain liable for all costs incurred by E & E on Company's behalf prior to the termination date.

10. Term and Territory

The term and territory shall be commensurate with that of the Agreement hereunder, to which this Exhibit A is attached.

11. Non-Assignment

Neither Company nor E & E shall assign any right or obligation under this Exhibit, or the Agreement to which this is an Exhibit, without the prior written consent of the other.

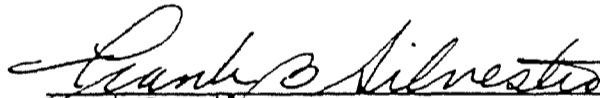
12. Miscellaneous Provisions

a. The State of New York, County of Erie, shall be the respective jurisdiction and venue for any dispute arising out of or in connection with the Agreement and Exhibits. The law of the State of New York shall apply with regard to the construction, interpretation, performance, and enforcement of the Agreement.

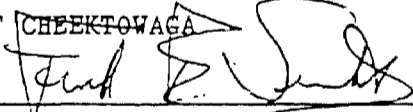
b. The form of the Agreement and Exhibits is intended for general use in the United States, and in the event any of the terms and provisions hereof are in violation of or prohibited by any law, statute, or ordinance of the state or city where it is used, such terms and provisions shall be of no force and effect to the extent of such violation or prohibition, without invalidating any other of the terms and provisions of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Exhibit as of the execution date of the Agreement, of which this is a part.

ECOLOGY AND ENVIRONMENT, INC.



Frank B. Silvestro
Executive Vice President

TOWN OF CHEEKTOWAGA
By: 

Frank E. Swiatek
Title: Supervisor

EXHIBIT B

CHARGES FOR EMERGENCY RESPONSE SERVICES

- o No overtime premium charges will be added to hours in excess of eight (8) hours in a given day. Hours are at straight time.
- o All expendables will be charged, and a service fee will be charged for the use of special gear. No service charge is added for E & E's basic personal safety equipment.
- o No premium charges for court appearance.

RECEIVED
 DEC 15 1983
 TOWN ATTORNEY

EXHIBIT C

DIRECT LABOR	HOURS	RATE	AMOUNT
Senior Principal	_____	75.45	_____
Principal	_____	44.10	_____
Chief	_____	36.50	_____
Senior	_____	28.12	_____
Associate	_____	22.45	_____
Junior	_____	17.14	_____
Technician	_____	12.88	_____
Asst. Technician/ Word Processor	_____	10.80	_____
Secretary	_____	11.86	_____

1. TOTAL DIRECT LABOR _____
2. OVERHEAD, GENERAL AND ADMINISTRATIVE EXPENSES (142% of Line 1) _____
3. OTHER DIRECT CHARGES (See attached sheet) _____
4. SUBCONTRACTOR SERVICES _____
5. SUBTOTAL _____
6. PROFIT (10% OF Line 5) _____
7. ANALYTICAL SERVICES (Unit Cost) _____
8. EQUIPMENT USAGE _____
9. TOTAL COST THIS PERIOD _____

Charges for man-hours will be based on the rates and overhead factors as indicated above. These rates will be in effect through July 31, 1989.

Item No. 13a Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, this Town Board recognizes the benefits derived from the 1988 Preventative Maintenance and Service Program associated with heating, ventilating and air conditioning equipment for various Town owned buildings which promotes energy conservation and extension of equipment service life, and

WHEREAS, this Town Board recognizes the need to continue the Preventative Maintenance and Service Program for Town buildings, including its three (3) libraries for the upcoming 1989 calender year, NOW, THEREFORE, BE IT

RESOLVED that the proposal dated December 8, 1988 for preparation of bid specifications and related services for the 1989 Preventative Maintenance Program as submitted by Babinsky Klein Engineering, P.C. at a fee not to exceed \$1,000.00 be and hereby is accepted, and BE IT FURTHER

RESOLVED that the cost for professional services in an amount not to exceed \$1,000.00 shall be chargeable to Account #01-7110-0004-4451.

* * * * *

Motion by Councilman Solecki, Seconded by Councilman Gabryszak to table the above resolution. The voting was as follows:

Upon Roll Call....

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

THE ABOVE ITEM WAS TABLED.

* * * * *

Item No. 13b Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the Town is currently involved in an assessment review proceeding relating to ITT Corporation, 175 Standard Parkway, Cheektowaga, New York, and

WHEREAS, the Assessor is in need of a court ready appraisal on the said property, and

WHEREAS, the Town of Cheektowaga has appropriated monies in the budget for these items, NOW, THEREFORE, BE IT

RESOLVED that the Assessor be and hereby is authorized to contract with Northeastern Appraisals to make the necessary appraisal at a cost of \$1500.

* * * * *

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

The amended resolution is as follows:

* * * * *

Item No. 13b cont'd

Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the Town is currently involved in an assessment review proceeding relating to ITT Corporation, 175 Standard Parkway, Cheektowaga, New York, and

WHEREAS, the Assessor is in need of a court ready appraisal on the said property, and

WHEREAS, the Town of Cheektowaga has appropriated monies in the budget for these items, NOW, THEREFORE, BE IT

RESOLVED that the Assessor be and hereby is authorized to contract with Northeastern Appraisals to make the necessary appraisal at a cost of \$1500, Line Item No. 01-1355-0004-4561.

Upon Roll Call....

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

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

WHEREAS, a temporary vacancy exists in the Sewer Maintenance Department for the position of Sewer Maintenance Man, and

WHEREAS, Randy Palmisano of seasonal laborer in the Facilities Department, has applied for and meets the qualifications for the position, NOW, THEREFORE, BE IT

RESOLVED that Randy Palmisano be and hereby is appointed to the temporary position of Sewer Maintenance Man, at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective immediately.

Motion by Councilman Gabryszak, seconded by Councilman Johnson to table the above resolution. The voting was as follows:

Upon Roll Call....

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

The above resolution was tabled.

Item No. 15a Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that Robin Straker of 38 Diane Drive, Cheektowaga, New York 14225, be re-hired as a Counselor II in the Youth Bureau's Adapted Recreation Program (7310.1803) at a salary rate of \$3.50 per hour.

Upon Roll Call....

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

Item No. 15b Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk

BE IT RESOLVED that the following named individuals be and hereby are hired as seasonal/part-time employees at the following rate of pay, effective immediately:

SANITATION DEPARTMENT - \$5.00 per hour

Michael Beback

POLICE DEPARTMENT - \$3.35 per hour

Jacquelyn Radwanski
Judy Zipp

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 Jaworowicz

WHEREAS, Barbara Boehringer, Clerk-Typist in the Justice Court, has requested a fifteen (15) day sick leave extension due to illness, and

WHEREAS, Barbara Boehringer will have exhausted all accrued sick leave, personal leave and vacation days as of December 20, 1988, and

WHEREAS, the Collective Bargaining Agreement permits the Town Board to authorize a sick leave extension as per Article 8, Section 8.02, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby grants Barbara Boehringer a fifteen (15) day sick leave extension to commence on December 21, 1988 and to be repaid to the Town upon her return to service.

Upon Roll Call....

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

Item No. 17 Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

WHEREAS, on November 7, 1988 the Town Board passed a resolution appointing Officer James Bobeck a Detective, and

WHEREAS, James Bobeck, for personal reasons, requested to be re-assigned to his original patrol duties and the Chief of Police recommends that James Bobeck's request be granted and the resolution of November 7, 1988 be rescinded as pertaining to James Bobeck, and

WHEREAS, the re-assignment of James Bobeck from Detective to Patrol has created a vacancy for the position of Detective in the Police Department, and

WHEREAS, in accordance with the Collective Bargaining Agreement between the Town and the Cheektowaga Police Club, Inc., such position was posted and interested candidates were interviewed, and

WHEREAS, the Chief of Police has recommended that Officer Donald Glewa be appointed to the position of Detective, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated November 7, 1988 appointing James Bobeck a Detective be and hereby is rescinded and James Bobeck is returning to his former position as police officer, and BE IT FURTHER

Item No. 17 cont'd

RESOLVED that Officer Donald Glewa be appointed to the position of Detective in the Police Department, effective December 20, 1988 at a salary in accordance with the Collective Bargaining Agreement between the Town and the Cheektowaga Police Club, Inc.

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 Councilman Jaworowicz

WHEREAS, developers are required to install water mains within the right-of-way of new subdivisions, and

WHEREAS, two (2) hydrants must be installed in the Woodlands at the Park Subdivision prior to acceptance of the water main extension 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 Woodlands at the Park Subdivision to install two (2) hydrants at the locations approved by Mr. James Havernick, Fire Chief of Bellevue Fire District #9 being situate on the south side of Bridgewood Court between sublots #21 and #22 and also on the south side of Bridgewood Court between sublots #26 and #27, 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.

Upon Roll Call....

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

Item No. 19 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on October 17, 1988 this Town Board awarded the contract for the construction of the Firemens Park Comfort Station to Miller Enterprises for the total sum of \$24,156.00, and

WHEREAS, the scope of work for said Change Order is outlined in the attached letter dated December 7, 1988 and considered part of this resolution, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. 1, in the amount of \$77.83 as an increase to the contract of Miller Enterprises, 625 Cornwall Avenue, Tonawanda, New York 14150 be approved, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed and authorized to sign said Change Order No. 1 on behalf of this Town Board, and BE IT FURTHER

RESOLVED that funds for said Change Order No. 1 are available in account #87-2971-100-200.

* See next page for letter and Change Order

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

December 12, 1988

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Change Order #1
Firemens Park

Gentlemen:

We are submitting for Town Board review and approval a resolution for Change Order #1 for the Firemens Park Comfort Station. This Change Order was to furnish and install rubber baseboard molding. This will provide increased moisture protection of the interior and exterior partition walls.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski
Principal Engineer Assistant

ABB:dms

TOWN OF CHEEKTOWAGA
CHANGE ORDER AUTHORIZATION

Date December 7, 1988

Change Order No. 1

PROJECT Firemens Park Comfort Station

CONTRACT DATE October 17, 1988 CONTRACT AWARD PRICE \$24,156.00

ADD OR SUBTRACT \$77.83

COMMUNITY NAME Town of Cheektowaga

COMMUNITY ADDRESS Broadway & Union Road, Cheektowaga, New York 14227

CONTRACTOR'S NAME Miller Enterprises

CONTRACTOR'S ADDRESS 625 Cornwall Avenue, Tonawanda, New York 14150

DESCRIPTION OF CHANGE TO CONTRACT OR EXTRA WORK:

- 1) Furnish and install 122' of rubber baseboard molding on all interior walls.

REASON FOR CHANGE OR EXTRA WORK:

- 1) Rubber baseboard molding will add/and protect moisture penetration to the exterior and interior wall partitions.

CONTRACT TIME CHANGE: (1) NO AFFECT (2) CHANGE DATE OF COMPLETION

APPROVALS:

CONTRACTOR *Robert Miller* DATE 12/14/88

CONSULTANT NONE DATE _____

PROJECT ENGINEER *J. B. Bull* DATE 12-16-88

SUPERVISOR *Tom R. Smith* DATE _____

MEETING NO. 28
December 19, 1988

Motion by Councilman Kulyk, Seconded by Supervisor Swiatek to dispense with the reading of the figures in Item No. 20.

Upon Roll Call....

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

Item No. 20 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:	599.0000	(Appropriated Fund Balance)	\$ 66,000.00
	1910.4711	(Contingency)	410.00
	1220.4001	(Office Supplies-Accounting)	75.00
	1220.4010	(Disaster Preparedness)	150.00
	1910.4082	(Government Business Travel)	100.00
	7510.4043	(Maps, Records and Supplies)	300.00
	1330.2209	(Misc. Office Equipment-Tax)	1,500.00
	1420.2201	(Office Equip.-Law)	500.00
	1420.4001	(Office Supplies-Law)	1,200.00
	1440.4041	(Mimeographing Supplies-Engineering)	100.00
	1440.4325	(Copy Machine Supplies-Engineering)	300.00
	1640.1443	(Auto Body Repairman-Central Garage)	5,674.27
	1640.1443	(Auto Body Repairman-Central Garage)	3,000.00
	1640.4443	(Sanitation Repair-Central Garage)	5,000.00
	7110.4162	(Gasoline & Oil-Facilities)	2,000.00
	7110.4431	(Equip. & Repairs-Facilities)	2,500.00
	7110.1391	(Part Time Clerical-Facilities)	4,000.00
	7110.1391	(Part Time Clerical-Facilities)	5,000.00
	7110.1391	(Part Time Clerical-Facilities)	1,000.00
	7110.1491	(Part Time Laborer-Facilities)	8,000.00
	7110.1491	(Part Time Laborer-Facilities)	1,000.00
	7110.1491	(Part Time Laborer-Facilities)	3,000.00
	7140.1613	(Recreation Playground Sup.)	3,550.00
	7140.1614	(Recreation Playground Attendants)	950.00
	7140.1614	(Recreation Playground Attendants)	2,300.00
	7140.4601	(Aid to Youth Program)	600.00
	7140.4601	(Aid to Youth Program)	200.00
	7140.4601	(Aid to Youth Program)	600.00
	7140.4025	(Athletic Supplies)	1,000.00
	7310.4261	(Postage-Youth Bureau)	20.00
	7310.4261	(Postage-Youth Bureau)	10.00
	7310.1361	(Clerk Steno-Youth Bureau)	610.00
	7310.1802	(Dev. Dis. Day Camp-Youth Bureau)	3,097.00
	7310.1804	(Administrative-Interns-Youth Bureau)	431.00
	7310.1812	(YCC Participants-Youth Bureau)	1,433.00
	7310.1812	(YCC Participants-Youth Bureau)	7,511.00
	7310.1812	(YCC Participants-Youth Bureau)	610.00
	7310.1814	(1988 NYSCC-P.T.-Youth Bureau)	32.00
	7310.4082	(1988 NYSCC-Grant Travel-Youth Bureau)	23.65
	7310.4201	(Telephone-Youth Bureau)	758.50
	7310.4431	(Equipment Repair-Youth Bureau)	.25
	7310.4677	(Catholic Charities-Dropout-Youth)	1,000.00
	9010.8171	(Dental-Accounting Dept.)	88.59
	9010.8101	(Employee Retirement)	3,955.00
	1910.4711	(Contingency)	15,000.00
	1910.4711	(Contingency)	23,500.00
	1910.4711	(Contingency)	27,500.00
<u>TO:</u>	1910.4711	(Contingency)	66,000.00
	1430.4502	(Legal-Accounting)	410.00
	1220.2201	(Office Equipment-Accounting)	75.00
	1220.4008	(Disaster Coordinator)	150.00
	1910.4081	(Municipal Assn. Dues)	100.00

MEETING NO. 28
December 19, 1988

Item No. 20 cont'd

7510.4051	(Microfilming)	300.00
1330.4431	(Equip. - Repair & Main. - Tax)	1,500.00
1420.4013	(Law Books)	500.00
1420.4013	(Law Books)	1,200.00
1440.4001	(Office Supplies-Engineering)	100.00
1440.4001	(Office Supplies-Engineering)	300.00
1640.1391	(Part-Time Clerical-Gen. Garage)	5,674.27
1640.1445	(Welder-Central Garage)	3,000.00
1640.4161	(Gasoline-Central Garage)	5,000.00
1625.4202	(Telephone-Townwide)	2,000.00
1625.4202	(Telephone-Townwide)	1,500.00
7110.1201	(General Crew Chief-Facilities)	4,000.00
7110.1203	(Working Crew Chief-Facilities)	5,000.00
7110.1376	(Senior Clerk Typist-Facilities)	1,000.00
1625-1203	(Working Crew Chief-Facilities)	8,000.00
1625-1491	(Part-Time Laborer-Facilities)	1,000.00
7110.1203	(Working Crew Chief-Facilities)	3,000.00
7140.1611	(Rink Personnel-Recreation)	3,550.00
7140.1611	(Rink Personnel-Recreation)	950.00
7140.1622	(Recreation Attendant)	2,300.00
7140.1621	(Umps & Refs)	600.00
7140.1615	(Rec. Instructor-Aid to Youth)	200.00
7140.4491	(Special Events-Recreation)	600.00
7140.1612	(Community Center Attendants)	1,000.00
7310.4001	(Office Supplies-Youth Bureau)	20.00
7310.4431	(Equip., Repair-Youth Bureau)	10.00
7310.1803	(Adapted Rec. Program)	610.00
7310.1803	(Adapted Rec. Program)	3,097.00
7310.1803	(Adapted Rec. Program)	431.00
7310.1114	(Ex. Director-Youth Bureau)	1,433.00
7310.1811	(YCC Supervisor)	7,511.00
7310.1803	(Adapted Rec. Program)	610.00
7310.1813	(NYS CC Grant Supervisor)	32.00
7310.4002	(1988 NYS CC Grant-Supply)	23.65
7310.2501	(Other Equip.-Youth Bureau)	758.50
7310.4693	(Dev. Dis. Adapted Recreation)	.25
7310.1803	(Adapted Rec. Program)	1,000.00
9010.8173	(Dental Retiree's Police)	88.59
9010.8111	(Police Retirement)	3,955.00
9010.8151	(Group Life-Police Dept.)	15,000.00
9010.8141	(Medical Insurance)	23,500.00
9010.8143	(Medical Retiree's)	27,500.00

PART TOWN FUND

FROM:	08-3620.1402	(Asst. Bldg. Inspector)	\$ 4,000.00
	08-3620.1402	(Asst. Bldg. Inspector)	313.15
TO:	08-3620.1400	(Building Inspector)	4,000.00
	08-3620.1122	(Building Inspector)	313.15

HIGHWAY FUND

FROM:	03-5130.4082	(Government Travel)	\$ 1,500.00
	03-9010.8143	(Retiree-Medical)	7,820.80
TO:	03-5140.4191	(Misc. Highway)	1,500.00
	03-9010.8141	(Medical Insurance)	7,820.00

RISK RETENTION FUND

FROM:	10-1710.4253	(Claims Admin. Workmens Comp.)	\$ 3,000.00
	10-1710.4253	(Claims Admin. Workmens Comp.)	1,181.00
	10-1931.4703	(Judgement & Claims-Unemploy.)	30,000.00
	10-1932.4703	(Judgement & Claims-Liability)	30,000.00
	10-1932.4703	(Judgement & Claims-Liability)	2,000.00
	10-1932.4703	(Judgement & Claims-Liability)	80,000.00

MEETING NO. 28
December 19, 1988

Item No. 20 cont'd

	10-1933.4703	(Judgement & Claims-Police)	36,463.00
	10-1934.4703	(Judgement & Claims-Public Off.)	3,000.00
	10-1934.4703	(Judgement & Claims-Public Off.)	12,000.00
	10-9040.8131	(Workmens Compensation)	236,888.00
	10-9050.8161	(Unemployment)	96,395.00
TO:	10-1710.4525	(Claims Admin. Workmens Comp.)	3,000.00
	10-1710.4528	(Loss Control-Workmens Comp.)	1,181.00
	10-1930.4703	(Judgement & Claims-Workmen's Co.)	30,000.00
	10-1710.4527	(Claims Admin. - Liability)	\$ 20,000.00
	10-1710.4520	(Loss Control-Liability)	2,000.00
	10-1930.4703	(Judgement & Claims-Workmen's Co.)	80,000.00
	10-1722.4519	(Workmens Comp. Excess)	36,463.00
	10-1710.4521	(Insurance Consultants)	3,000.00
	10-1710.4525	(Claims Admin. Workmen's Comp. As.)	12,000.00
	10-1930.4703	(Judgement & Claims-W/C)	236,888.00
	10-1931.4703	(Judgement & Claims-Unemploy.)	96,395.00

SPECIAL DISTRICTS FUND

FROM:	25-0599.0000	(Appropriated Fund Balance Sewer)	\$ 155,000.00
	25-8125.4438	(Sewer Repairs)	1,000.00
	25-8135.4087	(Training & Seminars - Sewer #5)	575.00
	25-8125.8143	(Retiree Medical Ins. - Sewer)	1,000.00
	25-8125.8121	(Empl. Social Security)	5,000.00
	25-8135.8151	(Group Life Ins.)	750.00
	25-8135.8151	(Group Life Ins.)	800.00
	23-8123.4432	(Sewer Repair)	1,000.00
	15-8160.8101	(Employee Retirement)	14,000.00
	15-8160.8101	(Employee Retirement)	8,000.00
	15-8160.1412	(Laborers-Sanitation)	1,500.00
	15-8160.1412	(Laborers-Sanitation)	70,000.00
TO:	25-8135.4501	(Contracted-Legal-Sewer #5)	155,000.00
	25-8125.4431	(Equipment Repair)	1,000.00
	25-8125.4087	(Training & Seminars)	575.00
	25-8125.8141	(Employee Medical Ins.)	1,000.00
	25-8125.8171	(Dental Ins.)	5,000.00
	25-8135.8171	(Dental Ins.)	750.00
	25-8135.8141	(Medical Ins.)	800.00
	23-8123.4431	(Equipment Repair)	1,000.00
	15-8160.8101	(Medical Ins.)	14,000.00
	15-8160.8143	(Dental Ins.)	8,000.00
	15-8160.1391	(Part-Time Clerical)	1,500.00
	15,8160.1492	(Seasonal Laborers)	70,000.00

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 Gabryszak

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 730,391.91
HIGHWAY FUND	188,313.36
CAPITAL FUND	115,934.59
TRUST & AGENCY FUND	320,419.11
HUD-CDBG FUND	2,837.58
PART TOWN FUND	16,626.37
HUD-RENTAL REHAB. FUND	2,070.00
RISK RETENTION FUND	33,779.62
SPECIAL DISTRICT FUND	527,895.64
	<u>\$1,938,268.18</u>

Item No. 21 cont'd

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 22a Minutes of Planning Board meeting held in November
Received and Filed.

Item No. 22b Minutes of Library Board meeting held in November
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 23 E.C. Health Department - Certificate of approval of realty sub-
division plans - Cayuga Creek Estates
Received and Filed.

Item No. 24 Judicial Subpeona - Brown/Devlin Associates vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board
Members; Chester Bryan, Town Engineer; Original sent to Kevin Schenk,
Deputy Town Attorney.
Received and Filed.

Item No. 25 Notice of Claim - Elizabeth Zakrzewski, an infant by Joanne
Zakrzewski 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; Laverack & Haines, Insurance Carrier.
Received and Filed.

Item No. 26 Letter from Town resident regarding replacement of historical
markers near Bennet Family Cemetery
Received and Filed.

V. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Johnson
to suspend the rules to include the following items:

Upon Roll Call....

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

Item No. 27a Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an
Ambulance Ordinance. The EMS Board, which was created at that time, 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

Item No. 27a cont'd

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, 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

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

12/19/88

Renewal*

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Bull, Timothy S.	Hamburg, N.Y. 14075	Town's Ambulance	3/31/91
Deinhart, Robert H.	Buffalo, NY 14222	Gold Cross Amb.	5/31/91

Item No. 27b Motion by Councilman Johnson, Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board which was created at that time 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

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, 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 the resolution.

* See next page for list

Upon Roll Call....

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

12/19/88

NEW *

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
Baker, Peter D.	Hamburg, N.Y. 14075	Town's Amb.	8/31/91
Dynarski, Donald P.	Eden, N.Y. 14057	Gold Cross	12/31/89
Kaufmann, Lawrence J.	East Aurora, NY 14052	Gold Cross	12/31/88
Kontak, Jackie	Cheektowaga, NY 14227	Town's Amb.	5/31/90
Kurzel, Brian J.	Cheektowaga, NY 14206	Gold Cross	5/31/90
Mann, Tammy R.	North Evans, NY 14112	Gold Cross	1/31/91
Miori, William J.	Depew, N.Y. 14043	Gold Cross	5/31/91
Pelham, Glenn R.	Grand Island, NY 14072	Town's Amb.	1/31/91
Pollard, Steven J.	West Seneca, NY 14224	Gold Cross	12/31/90
Quinn, Joan M.	North Evans, N.Y. 14112	Gold Cross	1/31/91
Rosenfeld, Jason A.	Buffalo NY 14213	Gold Cross	5/31/91
Sauer, Edward R.	Elma, New York 14059	Gold Cross	1/31/89
Whipkey, Sharon L.	Depew, N.Y. 14043	Gold Cross	1/31/91
Whittington, Gerard J. Jr.	west Falls, N.Y. 14170	Town's Amb.	3/31/91

Item No. 28 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, the Pyramid Company of Buffalo ("Pyramid") is the developer of the Walden Galleria regional shopping center (the "Project"), and

WHEREAS, in connection with the Project, the Pyramid Company of Buffalo proposes to structurally cross Scajaquada Creek and to enclose U-Crest Diversion Ditch where the Creek and the ditch are present on the Project property (the "Proposals"), and

WHEREAS, the proposals were discussed and reviewed during the SEQRA process for the construction of the Project, and

WHEREAS, on November 7, 1988, this Town Board authorized the Town Engineer to employ the consulting firm of Camp, Dresser and McKee ("CDM") to independently review the Proposals, with the cost of such review to fully reimbursed to the Town by Pyramid, and

WHEREAS, CDM has commenced its review of the Proposals and has submitted a revised consultant's agreement outlining the scope of service for the review of the Proposals dated December 15, 1988 (the "Consultant Agreement" - attached), the cost of which is estimated at \$18,000.00, and

WHEREAS, Pyramid has re-confirmed its agreement to fully reimburse the Town for the cost of such review as outlined in the Consultant's Agreement dated December 15, 1988 (see letter dated December 19, 1988 attached), provided the town agrees to utilize, as soon as practicable, the results of the review relative to environmental significance, whether communicated to the Town verbally or in writing, in order to make a determination of environmental significance of the Proposals, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby authorizes the Supervisor to execute the Consultant's Agreement dated December 15, 1988 regarding the review of the Proposals, and BE IT FURTHER

RESOLVED that notwithstanding the tentative schedule for reporting the result of CDM's review of the Proposals as set out in Paragraph Three of the Consultant's Agreement, the Town Board agrees to utilize the results of CDM's review relative to environmental significance as soon as practicable following the reporting, be it verbal or in writing, of same by CDM to the Town, and BE IT FURTHER

RESOLVED that the estimated revenues for such review are to be accounted for in Scajaquada/U-Crest Review Account No. 01-2590 and the estimated expenditures are to be accounted for in Scajaquada/U-Crest Review Account No. 01-1440-004-4595.

* See next four (4) pages for "Consultant Agreement"

Upon Roll Call....

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

CDM

environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE

40 Rector Street
New York, New York 10006
212 693-0370

December 15, 1988

Mr. Chester L. Bryan, P.E., Town Engineer
Town of Cheektowaga
Town Hall
Broadway & Union Road
Cheektowaga, New York 14227

Subject: Walden Galleria
Supplemental Stormwater Management Review

Dear Chet,

In accordance with your letter of November 9, 1988, our meeting of November 16, 1988 and your letter of December 7, 1988, Camp Dresser & McKee (CDM) is pleased to submit our revised proposal for the review of the Stormwater Management and Flood Control Study Supplement and plans for the construction of the Walden Galleria Mall over Scajaquada Creek.

For your ease of review this proposal is divided into the following segments:

1. Scope of Work
2. Owner's Responsibility
3. Schedule
4. Project Cost, and Billing Procedure
5. Staffing

1. SCOPE OF WORK

CDM will assist the Town with review of the stormwater/flooding aspects of the proposed Phase II of the Walden Galleria Mall project (THE PROJECT).

Such services will include but are not limited to the following:

- o Review pre-development and post-development HEC II analysis alternatives as prepared by Raymond Keyes Associates, Inc. (RKA). The review is to include upstream and downstream consequences pertaining to the structural crossing of Scajaquada Creek.
- o Review pre-development and post-development HEC II analysis alternatives as prepared by RKA for the multiple arch enclosure of U-Crest Ditch. The review is to include analysis of the impact on Scajaquada Creek both upstream and downstream.

1988 DEC 27 AM 9:44

RECEIVED

Mr. C. Bryan, P.E.
December 15, 1988
Page 2

- o Review Walden Galleria stormwater Detention Basin No. 3 design as per New York State Thruway Authority (NYSTA) maintenance road revisions. The review is to include hydraulic analysis of the utility pipe crossing within the connecting ditch between Basin No. 1 and Basin No. 3.
- o Review Modified HEC-I Scajaquada Creek Basin Model as prepared by RKA. The review will focus on the revised discharge-volume relationships within the five basin reaches analyzed in the study.
- o Prepare and provide to the Town a written report and/or oral presentation on the above noted reviews.
- o Assist the Town in preparing its SEQR Statement of Findings for the stormwater/flooding portion of this proposed project.

Please note that we have not at this time included a scope of work or budget for preparing revised flood maps of the Scajaquada Creek for submission to the Federal Emergency Management Agency. We will be pleased to submit a separate scope of work and budget for this work should you so desire.

2. OWNER'S RESPONSIBILITY

Owner shall:

- o Process work task requests to CDM in a timely manner. (These can be either requested verbally by the Town and confirmed in writing by CDM to the Town, or requested in writing by the Town).
- o Furnish to CDM all studies, reports and other available data and services of others necessary for CDM to perform the requested services, and obtain additional reports and data as required. CDM will rely upon all such information and services in performing services hereunder.
- o Arrange for access to and make all provisions for CDM to enter upon public and private property as required for CDM to perform services associated with THE PROJECT.
- o Perform such other functions as are indicated in Section 1 - Scope of Work and Section 5 - Project Cost, and Billing Procedures to expedite the performance of THE PROJECT.

Mr. C. Bryan, P.E.
December 15, 1988
Page 3

3. SCHEDULE

CDM has commenced work on THE PROJECT in accordance with your letter of November 9, 1988 and the Resolution passed by the Town Board on November 7, 1988 and will dedicate the appropriate staff to perform the aforementioned scope of work in a timely manner.

We will begin providing verbal comments on the plans to the Town Engineer during the week of December 26, 1988 and will follow up with a written report the week of January 2, 1989.

4. PROJECT COST, BILLING PROCEDURES AND BILLING RATES

Our estimated cost for completing this work is \$18,000. CDM will monitor the cost and advise the Town when 80 percent of the upper limit has been reached and advise the Town as to whether additional funds will be required to complete the work.

Invoicing will be at salary cost plus 135% of salary cost. Salary cost is defined as the cost of salaries (including sick leave, vacation, and holiday pay applicable thereto) for time directly chargeable to THE PROJECT; plus unemployment, excise, and payroll taxes, and contributions for social security; employment compensation insurance retirement benefits, and medical and other group insurance benefits.

Direct expenses will be billed at actual costs. Note that direct expenses include all costs other than salary cost that are incurred during the progress of work. The actual direct expense costs include: mileage charges, airlines fares, parking, tolls, lodging, meals, telephone, printing and reproduction cost, in-house computer and word processor usage, and other miscellaneous cost incurred specifically for this project.

CDM will bill the Town of Cheektowaga monthly for services rendered in response to requests for the services by the Town Engineer. A summary of labor costs showing personnel, hours worked and individual labor costs, as well as a summary of categorized direct expenses will accompany our invoice.

5. STAFFING

CDM's Officer-In-Charge will be Gary D. Fournier. Mr. Fournier, a Senior Associate with CDM, manages our New York Office. He will be responsible for CDM's contractual obligations on this Project.

Mr. C. Bryan, P.E.
December 15, 1988
Page 4

Bernard D. Germanio, Team Leader and Environmental Engineer, will serve as Project Manager as CDM's storm water and management specialist. Mr. Germanio will be assisted by Richard Laramie of our Boston Office, Richard Gang of our New York City Office and others as necessary from our Water Resources Group in Boston.

These individuals are qualified in the area of flooding and storm water management with specific experience in the utilization of HEC II computer program analysis.

Secretarial, word processor, and graphics support would be provided, as required by the appropriate CDM staff.

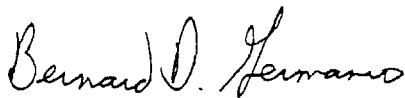
We hope that this proposed agreement meets your PROJECT needs while maintaining contractual flexibility/and committing the proper resources to provide the necessary services. If this meets with your approval please return two signed originals for our records. If you require any modifications to this proposed agreement do hesitate to contact this writer.

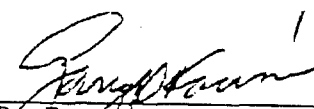
CDM looks forward to the opportunity of assisting you and the Town on this project.

Very truly yours,

CAMP DRESSER & McKEE

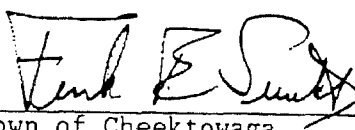
Approved:


Bernard D. Germanio, P.E.
Project Manager



Gary D. Fournier
Senior Associate
NYC Officer Manager

Accepted by:



Town of Cheektowaga

(GM016/32)NY

Item No. 29 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, it is important that the Town of Cheektowaga be able to remove snow from its highways should a snow emergency occur during the 1988-89 winter season, and

WHEREAS, the Snow Emergency Plan of the Town of Cheektowaga provides for the hiring of private contractors to remove snow in emergency situations, and

WHEREAS, this Town Board desires to advertise for bids for the contracting of snow plowing and snow removal equipment on an as-needed basis during a snow emergency, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for labor and equipment necessary to remove snow during a snow emergency in the CHEEKTOWAGA TIMES and the BUFFALO NEWS and BE IT FURTHER

RESOLVED that sealed bids will be received until December 30, 1988 at 11:00 A.M., Eastern Standard Time, at which time such bids will be opened by the Town Clerk in the Council Chambers at Cheektowaga Town Hall at a public bid opening.

NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 1988-1989 winter season.

Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, New York between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday.

In order to be considered, all bids must be filed with the town Clerk's Office, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Friday, December 30, 1988 at 11:00 A.M. in the Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words, "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL."

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Non-collusion forms must be signed and submitted with bids.

Richard M. Moleski, Town Clerk

DATED: November 7, 1988

PUBLISHED: November 10, 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..... DEC 22 1988 ;
last publication..... DEC 22 1988 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{22nd}.....

day of*December*....., 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**

TOWN OF CHEEKTOWAGA

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 1988-1989 winter season.

Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, New York between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday.

In order to be considered, all bids must be filed with the Town Clerk's, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Friday, December 30, 1988 at 11:00 A.M. in the Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words, "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL."

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: December 22, 1988

NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA
 The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 1988-1989 winter season. Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, New York, between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday. In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Friday, December 30, 1988 at 11:00 A.M. in the Council Chambers. Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words, "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL." The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so. Non-collusion forms must be signed and submitted with bids.
 Richard M. Moleski
 Town Clerk

Barbara Juzwiak

 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 22nd day of December 1988

Barbara Juzwiak

Sworn to before me this _____ 23rd _____ day
 of December _____ 19 88

PAUL E. BIELMAN
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires November 30, 1989 *84*

Paul E. Bielman

 Notary Public, Erie County, N.Y.

Item No. 30 Motion by Supervisor Swiatek, Seconded by Councilman Solecki

WHEREAS, the New York State Department of Transportation proposes construction of NY 78, Transit Road, S.H. 1334, in the Town of Cheektowaga, and

WHEREAS, the state will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of new sidewalks, pursuant to Section 10, Subdivision 22, Section 46, or Section 349-c of the Highway Law, as shown on the contract plans relating to

RESOLVED that the Town of Cheektowaga approve the construction of new sidewalks shown on the contract plans relating to the project and that the Town of Cheektowaga will maintain or cause to be maintained the new sidewalk performed as above stated and as shown on the contract plans, and BE IT FURTHER

RESOLVED that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

Upon Roll Call....

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

Item No. 31 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

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

GENERAL FUND

FROM:	599.0000	(Unappropriated Fund Balance)	\$18,000.00
	1910.4711	(Contingency)	18,000.00
TO:	1910.4711	(Contingency)	18,000.00
	1440.4595	(Scajaquada/U-Crest Review)	18,000.00

Upon Roll Call....

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

Item No. 32 Motion by Councilman Gabryszak, Seconded by Councilman Johnson to adjourn the meeting.

MARY F. HOLTZ
Deputy Town Clerk

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 29th day of December, 1988 at 6:00 o'clock P.M., Eastern Standard 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 Richard B. Solecki

ABSENT: Councilman Leo T. Kazukiewicz

Also present were: Mary. F Holtz, Deputy Town Clerk; Kevin Schenk, Deputy Town Attorney; Ron Marten, Supervising Building and Plumbing Inspector; Chester Bryan, Town Engineer.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following individuals be terminated effective immediately:

Trainee Supervisor (7310.1811)

Timothy Dusza

Administrative Intern (7310.1804)

Deborah Ryan

Upon Roll Call....

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

Item No. 3 Motion by Councilman Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that James Brado, Depew, N.Y. 14043 be hired as a part-time Van Driver and Jacqueline Mongiovi, Cheektowaga, N.Y. 14225 be hired as a substitute Nutrition Site Manager in the Department of Senior Services .

Upon Roll Call....

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

Item No. 4 Motion by Councilman Solecki, Seconded by Councilman Kulyk

WHEREAS, fire hydrants located in front of 899, 1033 and 1089 French Road are very close to the paved portion of French Road and interfere with pedestrians' safe travel on the sidewalk area in front of such properties, and

Item No. 4 cont'd

WHEREAS, such fire hydrants are located in the Erie County Water Authority ("ECWA") water districts and the ECWA services such hydrants, and

WHEREAS, in the interest of public safety, this Town Board would like to have the ECWA move such hydrants farther away from the paved portion of French Road and out of the way of the sidewalk area, and

WHEREAS, in order to relocate such fire hydrants, it will be necessary for the ECWA to obtain easements from the owners of such properties, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the ECWA to obtain the necessary easements from the owners of the aforementioned properties on French Road and to relocate the fire hydrants in front of such properties farther south and out of the sidewalk areas so that pedestrians may walk on such sidewalks without interference, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the Board of Commissioners of the Erie County Water Authority.

Upon Roll Call....

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

Item No. 5 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, Robert F. and Anna M. Miller are the owners of property located on the north side of Losson Road immediately south of the Town's Volunteer Firemen's Memorial Park (a/k/a Assessor's S.B.L. #114.19-2-92.1) such property being further described in the attached deed, and

WHEREAS, Mr. and Mrs. Miller have offered to donate such land to the Town at no cost to the town, and

WHEREAS, the Town Engineering Department has stated that such land would assist the Town in cleaning and maintaining the creek which crosses such property and other properties in the area, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the aforementioned property described in the attached deed from Robert F. and Anna M. Miller, and BE IT FURTHER

RESOLVED that the Town Attorney's Office be and hereby is directed to file such deed in the Erie County Clerk's Office.

* See next two (2) pages for deed

Upon Roll Call....

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

This Indenture

Made the 30th day of December Nineteen Hundred and Eighty-eight.

Between ROBERT F. MILLER and ANNA M. MILLER, his wife,
residing at 389 French Road in the Town of West Seneca,
County of Erie and State of New York,

part les of the first part, and

THE TOWN OF CHEEKTOWAGA, a municipal corporation having
its principal office and address at Broadway and Union
in the Town of Cheektowaga, New York, 14227

party of the second part.

Witnesseth that the said part les of the first part, in consideration of -----
----- ONE AND NO MORE ----- Dollars,

(\$1.00 and no more) lawful money of the United States.
paid by the part y of the second part, do hereby remise, release and forever Quit-Claim
unto the said part y of the second part, its successors and assigns forever, 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. 52, Township 10, Range 7 of
the Buffalo Creek Reservation, bounded and described as follows:-

BEGINNING at a point on the north line of Losson Road (as a 66 foot wide
highway) at its intersection with the west line of lands conveyed to M.J. Ogiony
Properties, Inc. by deed in the Erie County Clerk's Office in Liber 9910 of Deeds
at Page 293 on August 30, 1988; running thence westerly along the north line of
Losson Road a distance of 170.54 feet to its point of intersection with the west
line of Robert Miller's lands described in Liber 5238 at Page 396; running thence
northerly along said Miller's westerly line a distance of 160.29 feet more or less
to the south line of lands conveyed to the Town of Cheektowaga in Liber 7453 of
Deeds at Page 117; running thence easterly along the said south line of Cheektowaga's
lands a distance of 176.34 feet more or less to the said west line of said Ogiony's
lands; thence southerly along the west line of Ogiony's lands a distance of 184.78
feet more or less to the said north line of Losson Road, being the point or place
of beginning.

SUBJECT TO easements and restrictions of record.

The Grantee herein accepted this conveyance pursuant to a Resolution
of the Town Board of the Town of Cheektowaga at a meeting duly held on December
29, 1988.

RECEIVED
\$ EXEMPT...
REAL ESTATE
DEC 30 1988
TRANSFER TAX
11352 ERIE COUNTY

11009967P 236

Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

To have and to hold, the above granted premises unto the said party of the second part, its successors and assigns forever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Robert F. Miller LS
Anna M. Miller LS

STATE OF NEW YORK } On this 30th day of December
COUNTY OF ERIE } ss. Nineteen Hundred and Eighty-eight
before me, the subscriber, personally appeared

ROBERT F. MILLER AND ANNA M. MILLER, his wife,

to me personally known and known to me to be the same person described in and who executed the within Instrument, and they duly acknowledged to me that they executed the same.

RICHARD A. GRIMM, JR.
NOTARY PUBLIC, State of New York
Qualified in Erie County
My Commission Expires July 31, 1989

[Signature]

STATE OF NEW YORK } On this day of
COUNTY OF } ss. Nineteen Hundred and
before me, the subscriber, personally appeared

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

FILED
1988 DEC 30 PM 3:21
ERIE COUNTY
CLERK'S OFFICE

QUIT-CLAIM
ROBERT F. MILLER and
ANNA M. MILLER, his wife,

No 543

THE TOWN OF CHEEKTOWAGA

Dated December 30 1988

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber. 946 Page 236
of ...
on the 30 day of Dec.
A.D., 1988 at 3:00 o'clock P.M.
and examined.

[Signature]
CLERK

1-110038

SPECIAL MEETING NO. 29
December 29, 1988

Motion by Councilman Kulyk, Seconded by Supervisor Swiatek to dispense with the reading of the figures in Item No. 6.

Upon Roll Call....

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

Item No. 6 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:	1640.4021	(Maintenance Supplies-Cen. Garage)	\$ 3,500.00
	1640.1443	(Auto Body Repairman)	2,000.00
	1640.1443	(Auto Body Repairman)	2,000.00
	1640.1443	(Auto Body Repairman)	1,800.00
	1640.1443	(Auto Body Repairman)	1,500.00
	1910.4711	(Contingency)	15,585.00
	1625.2101	(Miscellaneous Equip. - Facilities)	150.00
	7110.4162	(Gasoline and Oil-Facilities)	1,500.00
	7110.1491	(Part-time Laborer-Facilities)	6,000.00
	3120.1351	(Senior Clerk-Police)	200.00
	3120.1351	(Senior Clerk-Police)	400.00
	3120.1351	(Senior Clerk-Police)	300.00
	3120.1351	(Senior Clerk-Police)	300.00
	3120.1351	(Senior Clerk-Police)	1,571.37
	3120.1351	(Senior Clerk-Police)	1,989.94
	3120.1351	(Senior Clerk-Police)	49.50
	3120.1591	(Crossing Guards)	13,739.79
	3120.1351	(Senior Clerk-Police)	4,740.72
	3120.1511	(Lieutenants-Police)	11,720.42
	3120.1374	(Clerk Typist-Police)	4,254.81
	3120.1351	(Senior Clerk-Police)	2,385.49
	3120.2303	(Police Vehicles)	16,826.21
	3120.1591	(Crossing Guards)	1,031.16
	3120.2203	(Police-Typewriters)	263.33
	3120.1581	(Matrons)	587.06
	3120.1605	(Graphic Artist-Police)	214.58
	3120.2203	(Police Vehicles)	44.67
	3120.2501	(Police-Other Equipment)	16,255.93
	3120.4001	(Policee-Office Supplies)	4,174.28
	3120.4073	(Police-Clothing Allowance)	6,977.64
	3120.4085	(Police-Local Education Expense)	200.42
	3120.4091	(Police-Ammunition and Flares)	5,483.81
	3120.4093	(Police-Patrolmen Training)	30.95
	3120.4321	(Police-Computer Expense)	2,781.01
	3120.1351	(Police-Senior Clerk)	4,343.31
	3120.1531	(Police-Detectives)	300.00
	3510.1491	(Dog Control-Part-Time Laborer)	9,494.00
	3310.4472	(Highway Sign-Account)	47.00
TO:	1640.4161	(Gasoline-Central Garage)	\$ 3,500.00
	1640.1201	(Gen. Crew Chief-Central Garage)	2,000.00
	1640.1412	(Laborer-Central Garage)	2,000.00
	1640.1445	(Welder-Central Garage)	1,800.00
	1640.1391	(Part-time Clerical-Central Garage)	1,500.00
	5131.2000	(Highway Roof Replacement)	15,585.00
	1625.4432	(Repairs and Maintenance-Facilities)	150.00
	1625.4432	(Repairs and Maintenance-Facilities)	1,500.00
	1625.1203	(Working Crew Chief-Facilities)	6,000.00
	3120.1374	(Clerk Typist-Police)	200.00
	3120.1391	(Part Time Clerical-Police)	400.00
	3120.1511	(Lieutenants-Police)	300.00
	3120.1551	(Sargeant-Police)	300.00

SPECIAL MEETING NO. 29
December 29, 1988

Item No. 6 cont'd

3120.1112	(Chief of Police)	\$ 1,571.37
3120.1153	(Asst. Police Chief)	1,989.94
3120.1371	(Clerk-Police)	49.50
3120.1376	(Senior Clerk Typist-Police)	13,739.79
3120.1391	(Part Time Clerical-Police)	4,740.72
3120.1501	(Captains-Police)	36,481.42
3120.1541	(Patrolmen-Police)	36,750.35
3120.1551	(Sargeant-Police)	4,643.31
3510.1413	(Dog Control Officer)	9,494.00
3310.4471	(Police Sign Account)	47.00

SPECIAL DISTRICTS FUND

FROM:	8160.1412	(Laborers-Sanitation)	\$ 5,000.00
	8160.1412	(Laborers-Sanitation)	1,500.00
	599.00000	(Appropriated Fund Balance)	2,000.00
	599.00000	(Appropriated Fund Balance)	6,750.00
	2648.0000	(Hydrants-WD #9-Revenue)	6,051.00
	2648.0000	(Hydrants-WD #10-Revenue)	234.00
	2648.0000	(Hydrants-WD #8-Revenue)	624.00
TO:	8160.1203	(Working Foreman-Sanitation)	5,000.00
	8160.1124	(General Foreman-Sanitation)	1,500.00
	8123.2424	(Equipment Allocation)	2,000.00
	8125.4506	(Accounting and Auditing Services)	6,750.00
	8349.4339	(Hydrant Charges-WD #9)	6,051.00
	8350.4339	(Hydrant Charges-WD #10)	234.00
	8130.4231	(Hydrant Charges WD#8)	624.00

RISK RETENTION FUND

FROM:	1932.4703	(Judgement and Claims-General)	\$ 8,750.00
TO:	1933.4703	(Judgement and Claims-Police)	\$ 8,750.00

GENERAL FUND

FROM:	1910.4711	(Contingency)	\$64,267.44
	599.0000	(Unappropriated Fund Balance)	74,126.01
	1440.1404	(Senior Engineer Assistant)	36,000.00
TO:	1910.4711	(Contingency)	\$74,126.01
	1220.1306	(Secretary to Supervisor)	600.00
	1410.1154	(Town Clerk-1st Deputy)	1,300.00
	1410.1155	(Town Clerk-2nd Deputy)	1,300.00
	1410.1375	(Town Clerk-Telephone Operator)	900.00
	1410.1376	(Town Clerk-Sr. Clerk Typist)	8,000.00
	1410.1391	(Town Clerk-Part-Time Clerical)	23,700.00
	1420.1102	(Town Attorney-Law Dept.)	750.00
	1420.1151	(Deputy Attorney-Law Dept.)	2,200.00
	1440.1105	(Engineering-Town Engineer)	3,000.00
	1440.1361	(Engineering-Clerk Steno)	2,200.00
	1440.1402	(Engineering-Principal Engineer Asst.)	36,000.00
	1440.1402	(Engineering-Principal Engineer Asst.)	6,800.00
	1440.1406	(Engineerin-Jr. Engineer)	1,000.00
	1450.4594	(Election Inspectors)	2,000.00
	7140.1113	(Recreation Director)	800.00
	7180.4612	(Recreation-Transportation-Swim Meet)	1.00
	7310.1812	(Youth-Cons.-Part Time)	10.00
	7550.4372	(July 4 Celebrations)	4,021.28
	7550.4376	(Patriotic Commission)	1,859.16
	7620.1121	(Sr. Citizens Director)	600.00
	7620.1604	(Sr. Citizens-Outreach Worker)	700.00
	5010.1171	(Deputy Highway Supt.)	2,500.00
	5010.2209	(Highway Supt.-Misc. Office Equipment)	26.00

SPECIAL MEETING NO. 29
December 29, 1988

Item No. 6 cont'd

HIGHWAY FUND

FROM:	0599.0000	(Unappropriated Fund Balance)	\$97,441.00
	5141.1202	(Auto Mechanic Crew Chief)	7,443.00
	5141.1371	(Clerk)	239.00
	5141.1374	(Clerk-Typist)	332.00
	5141.1404	(Sr. Engineer Asst.)	13,499.00
	5141.1412	(Laborer)	6,352.00
	5141.1414	(MEO B)	5,510.00
	5141.1442	(Auto Mechanic)	11,482.00
	5141.1445	(Welder)	742.00
	9010.8151	(Group Life)	100.00
TO:	5141.1201	(General Crew Chief)	\$ 1,586.00
	5141.1203	(Working Crew Chief)	18,478.00
	5141.1402	(Principal Engineer Asst.)	14,225.00
	5141.1421	(Auto Mechanic Helper)	3,306.00
	5141.1422	(General Mechanic)	1,110.00
	5141.1444	(MEO A)	8,335.00
	5141.1491	(Seasonal Laborers)	96,000.00
	9010.8141	(Medical Insurance)	100.00

PART TOWN FUND

FROM:	3620.1402	(Asst. Building Inspector)	\$ 2,000.00
	8010.3411	(Miscellaneous Exp.-Bldg. Insp.)	150.00
	9010.8101	(Employees Retirement)	650.00
TO:	3620.1700	(Housing Inspector)	\$ 2,000.00
	8010.1052	(Zoning Board)	150.00
	9902.8131	(Workers Comp.)	650.00

SPECIAL DISTRICT FUND

FROM:	8135.8101	(Retirement-Main Pump Station)	\$ 2,240.00
	8123.4821	(Contracted Sewer-SD 3)	680.00
	8160.4453	(Sanitation-Building Repairs)	250.00
TO:	8125.4351	(RR Property Rental-SD 5)	\$ 200.00
	8125.4352	(Erie County Chargebacks)	40.00
	8125.4465	(Central Garage Allocation)	500.00
	8135.8151	(Group Life-Main Pump Station)	500.00
	8135.8171	(Dental-Main Pump Station)	1,000.00
	8123.4706	(Real Property Tax-Sewer 3)	680.00
	8160.4431	(Equipment Repairs-Sanitation)	250.00

Upon Roll Call....

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

Item No. 7 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 December 29, 1988 are hereby approved and made a part hereof:

SPECIAL MEETING NO. 29
December 29, 1988

Item No. 7 cont'd

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$ 410,044.28
HIGHWAY FUND	215,230.99
CAPITAL FUND	132,669.94
TRUST & AGENCY FUND	178,350.23
HUD-CDBG FUND	67,426.87
PART TOWN FUND	14,197.32
HUD-RENTAL REHAB. FUND	4,108.04
RISK RETENTION FUND	44,484.59
SPECIAL DISTRICT FUND	1,624,455.89
DEBT SERVICE FUND	945.50
	<u>\$2,691,913.65</u>

Upon Roll Call....

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

Item No. 8 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk