

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 3th day of April, 1989 at 7:30 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; Robert Lis, Chief of Police; Chester Bryan, Town Engineer; Henry Gabryszak, Town Justice; Dennis Ciotuszynski, Town Justice; Casey Kozminski, Assessor; James Matecki, Facilities Director; Jerry Gabryszak, Community Development Director; Patricia Wojcik, Senior Services Coordinator; Donald Wegner, Chairman, Zoning Board

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

CROYDON DRIVE east side from the north edge of driveway at No. 30 Croydon Drive to the south curblin of Cromwell Drive

CROYDON DRIVE east side from the south edge of driveway at No. 20 Croydon Drive to the north curblin of Cromwell Drive

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

II. RESOLUTIONS

Item No. 3 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

NO. 9
NO. 10

Item No. 3 continued

WHEREAS, Rocco M. Santoro has petitioned for the rezoning from R-Residential District to CM-General Commercial District of property owned by him and other and located at 3035 Genesee Street, 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 27th day of February, 1989 at 7:30 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. submittal of a landscaping plan acceptable to Planning Board
2. receipt of input/recommendation from Traffic Safety Commission
3. complete screening of dumpster and rear lot line adjoining residential lots on Toelsin Drive

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has 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 following conditions are complied with:

1. the dumpster to be moved to a point in line with the end of the new addition
2. drainage along Mildred must be further detailed and approved by the Engineering and Highway Department
3. sidewalks are to be constructed along Mildred to Genesee Street
4. a paved area is to be established at the existing bus stop and a sidewalk constructed west to Mildred Drive, 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 Rocco M. Santoro for the rezoning from R-Residential District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved, subject to compliance with the aforementioned conditions recommended by the Cheektowaga Planning Board and 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.

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... *APR 06 1989* ;
last publication... *APR 06 1989* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
JCM

Sworn to before me this

day of *April*....., 19*89*

Susan Mulcahy.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 3rd day of April, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Frank B. 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 Jaworwicz

WHEREAS, Rocco M. Santoro has petitioned for the rezoning from R-Residential District to CM-General Commercial District of property owned by him and other and located at 3035 Genesee Street, 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 27th day of February, 1989 at 7:30 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. submittal of a landscaping plan acceptable to Planning Board
2. receipt of input/recommendation from Traffic Safety Commission
3. complete screening of dumpster and rear lot line adjoining residential lots on Toelsin Drive 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 significant effect on the environment provided the following conditions are complied with:

1. the dumpster to be moved to a point in line with the end of the new addition
2. drainage along Mildred must be further detailed and approved by the Engineering and Highway Department
3. sidewalks are to be constructed along Mildred to Genesee Street
4. a paved area is to be established at the existing bus stop and a sidewalk constructed west to Mildred Drive, and

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

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 April, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 6, 1989

NOW, THEREFORE, BE IT RESOLVED that the application of Rocco M. Santoro for the rezoning from R-Residential District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby

approved subject to compliance with the aforementioned conditions recommended by the Cheektowaga Planning Board and 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.

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 April 3, 1989, 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 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

NO 10

NO. 11

Item No. 4a 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 April 17, 1989 at 7:30 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 April, 1989, 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 April 17, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

A. No Parking

CLEVELAND DRIVE south side from a point 228+ feet west of the west curbline of Highview Road to a point 308+ feet west of the west curbline of Highview Road, a distance of 80+ feet

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

Dated: April 3, 1989

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*1*..... weeks:
first publication.....*4-6-89*..... ;
last publication.....*4-6-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

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

day of*April*....., 19*99*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

**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 April 17, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

- A. No parking
- | | | |
|-----------------|------------|--|
| CLEVELAND DRIVE | south side | from a point 228 +/- feet west of west curbline of Highview Road to a point 308 +/- feet west of the west curbline of Highview Road, a distance of 80 +/- feet |
|-----------------|------------|--|

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEK-TOWAGA, ERIE COUNTY, NEW YORK

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 6, 1989

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

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 April 17, 1989 at 7:30 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 April, 1989, 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 April 17, 1989 at 7:30 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 VII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Woodgate Drive	North-south	Barbados Drive	Eastbound	S.W. Corner
Woodgate Drive	North-south	Barbados Drive	Westbound	N.E. Corner

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

Dated: April 3, 1989

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

NO 10
NO 11

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication.....*4-6-89*..... ;
last publication.....*4-6-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this^{7th}.....

day of*April*....., 19.....*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19.....*89*

**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 April 17, 1989 at 7:30 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>
Woodgate Dr.	North-south	Barbados Dr.	Eastbound	S.W. Corner
Woodgate Dr.	North-south	Barbados Dr.	Westbound	N.E. Corner

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEK-
TOWAGA, ERIE COUNTY, NEW YORK

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 6, 1989

NO 10

MEETING NO. 9
April 3, 1989

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

WHEREAS, Richard J. LaSpisa, has made application and requested a Rezoning from R-Residence District to CM-General Commercial District on property located at 68 Floral Place, 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 April 17, 1989 at 7:00 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

APPLICANT SUBMITTED LETTER REQUESTING DELAY IN SCHEDULING HEARING, THEREFORE NOTICE OF PUBLIC HEARING WAS NOT PUBLISHED. SEE NEXT PAGE FOR APPLICANT'S LETTER.



RICK'S TRUE VALUE HARDWARE, INC.

4180 UNION ROAD - AIRPORT PLAZA - CHEEKTOWAGA, NEW YORK 14225 - (716) 632-5090

April 4, 1989

Mr. Frank Swiatek
Supervisor
Town of Cheektowaga
Town Hall
Broadway & Union Roads
Cheektowaga, New York 14227

RECEIVED
APR 4 1989

*CL. Town CLERK
ATTORNEY
T.B.*

Dear Supervisor Swiatek:

Please hold off on scheduling the zoning hearing for 68 Floral Place.

I have hired counsel and they request some time for preparation of our presentation.

Thank You,

Richard J. LaSpisa

Richard J. LaSpisa

RJL;dl

RECEIVED
1989 APR -6 PM 2:49
TOWN CLERK

MEETING NO. 9
April 3, 1989

Item No. 5b Motion by Councilman Kulyk Seconded by Supervisor Swiatek

WHEREAS, Michael Desiderio, Jr. has made application and requested a Rezoning from RA-Apartment District to C-Retail Business District and a Special Use Permit for a full service restaurant to include service of alcoholic beverages, on property located at 2911 William Street, with the permission of the owner of the property, namely Stanley Senko and Michael Sebastiano, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on May 1, 1989 at 6:30 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

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..... *APR 13 1989* ;
last publication..... *APR 13 1989* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *14th*.....

day of *April*....., 19*89*.....

Susan Mulcahy.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

the center line of William Street, dis-
tant 160 feet easterly from the north-
west corner of lands conveyed to
Stanley Senko by deed recorded in
said Clerk's Office in Liber 7124 of
Deeds at page 247; thence easterly
along the center line of William Street,
a distance of 567.67 feet to the point of
beginning.
PUBLISH: April 13, 1989

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 1st day of May, 1989 at 6:30 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of consider the application of MICHAEL DESIDERIO/STANLEY SENKO/MICHAEL SEBASTIANO for a Special Permit to operate Hotel & Entertainment Complex on property located at 2911 William Street (Liberty Park), pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

RICHARD M. MOLESKI
Town Clerk

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said center line being also the north line of Lot No. 66, as its intersection with the east line of Lot No. 66; thence southerly along the east line of Lot No. 66, 574.77 feet to a point in the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife by deed recorded in Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence southwesterly along the northwest line of lands conveyed by said deed recorded in said Clerk's Office in Liber 6664 of Deeds at page 567, 345.07 feet to the most westerly corner of said lands; thence southeasterly along the southwest line of said lands, 305.40 feet to the northwest line of Cayuga Creek Road; thence southwesterly along the northwest line of Cayuga Creek Road, 60 feet to a point in the north line of lands conveyed to John Mysliwiec and Florence A., his wife, by deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence northwesterly along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, a distance of 200 feet to an angle in the said northerly line of land conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence continuing northwesterly and along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, 560.62 feet to the intersection thereof with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife of deed recorded in said Clerk's Office in Liber 4487 of Deeds at page 402; thence northerly along the easterly line of said lands conveyed to said Frank Lorzak and his wife and parallel with the west line of Lot No. 66, a distance of 556.83 feet to a point; thence easterly parallel with the center line of William Street, a distance of 160 feet to a point; thence northerly parallel with the west line of Lot No. 66, a distance of 240 feet to a point in the center line of William Street, distant 160 feet easterly from the northwest corner of lands conveyed to Stanley Senko by deed recorded in said Clerk's Office in Liber 7124 of Deeds at page 247; thence easterly along the center line of William Street, a distance of 567.67 feet to the point of beginning.

PUBLISH: April 13, 1989

NO. 10

NO. 11

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-
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said paper once a week for/..... weeks:
first publication.....*APR 13 1989*..... ;
last publication.....*APR 13 1989*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this*14th*.....

day of*April*....., 19..*89*..

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19.....*89*



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 1st day of May, 1989 at 6:30 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of consider the application of MICHAEL DESIDERIO/STANLEY SENKO/MICHAEL SEBASTIANO to Rezone from RA-Apartment District to C-Retail Business District on property located at 2911 William Street (Liberty Park) and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

PUBLISH: April 13, 1989

Item No. 6a Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement (consisting of a new roadway approximately 1270 feet long and 30 feet wide, with flexible pavement, concrete curbing, storm drainage and lighting) and a lateral sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, this Town Board advertised for bids for such work and will be awarding a contract for same in the near future, and

WHEREAS, prior to authorizing such work to be performed, it is required that the Town obtain ownership of the street area and easement rights where improvements are to be constructed, and

WHEREAS, New Erie Industrial Center, Inc. has submitted a deed for the street improvement and easements necessary for the performance of the work, and

WHEREAS, such deed and easement forms are in a form acceptable to the Town Attorney, the Town Engineer and the Town Highway Superintendent, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the attached deed and easement forms be and hereby are accepted by this Town Board, and ~~BE~~ IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to file such deed and easement forms in the Erie County Clerk's Office

Upon Roll Call....

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

* SEE NEXT PAGES FOR DEED AND EASEMENT FORMS *

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 3/5th day of March 1989.

BETWEEN NEW ERIE INDUSTRIAL CENTER, a New York general partnership with offices at 250 State Street, Brockport, New York 14420,

grantor

TOWN OF CHEEKTOWAGA, a New York municipal corporation with offices at Town Hall, Broadway and Union Road, Cheektowaga, New York 14227,

grantee

RECEIVED
1989 APR 14 PM 2:52
TOWN CLERK

WITNESSETH, that the grantor, in consideration of

ONE and ⁰⁰/₁₀₀ (\$1.00) ----- Dollars, paid by the grantee, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie, and State of New York, as more particularly bounded and described in Schedule "A" attached hereto and made a part hereof.

RECEIVED
\$. EXEMPT.
REAL ESTATE
APR 06 1989
TRANSFER TAX
ERIE COUNTY

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises. TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the grantor covenants as follows:

- FIRST.—The grantee shall quietly enjoy the said premises;
- SECOND.—The grantor will forever warrant the title to said premises;

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

By: NEW ERIE INDUSTRIAL CENTER L. S.
Charles W. Pecorella L. S.
CHARLES W. PECORELLA
Partner

STATE OF NEW YORK, COUNTY OF _____ ss.:
On the _____ day of _____ 19 _____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that deponent resides at No. _____ deponent is _____ of _____

the corporation described in and which executed, the foregoing instrument; deponent 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; deponent signed deponent's name thereto by like order.

ALAN R. FELDSTEIN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN MONROE COUNTY
COMMISSION EXPIRES MARCH 30, 1991

STATE OF NEW YORK, COUNTY OF MONROE ss.:
On the 3/5th day of March 1989, before me personally came Charles W. Pecorella, to me known to be a general partner of New Erie Industrial Center ~~incorporated under the laws of the State of New York~~ described in, and who executed the foregoing instrument, and acknowledged that he executed the same for and on behalf of said partnership.

NOTARY PUBLIC

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, and being part of Lot 23, Township 11, Range 7 of the Holland Land Company survey (so-called), bounded and described as follows:

BEGINNING AT A POINT in the southerly line of Broadway (99.0 feet wide), S-81°-05'-11"-W, a distance of 421.13 feet (measured along the said southerly line of Broadway from the west line of Wallace Avenue (60 feet wide); said Point of Beginning being at a distance of 415.0 feet west of the west line of said Wallace Avenue as measured at right angles thereto;

RUNNING THENCE: S-00°-52'-17"-W, parallel with the said west line of Wallace Avenue, a distance of 1,136.23 feet to a point of curvature;

RUNNING THENCE: Along a curve to the left having a radius of 60.0 feet, a distance of 49.65 feet to a point of reverse curvature;

RUNNING THENCE: Along a curve to the right having a radius of 73.0 feet, a distance of 350.15 feet to a point of reverse curvature;

RUNNING THENCE: Along a curve to the left having a radius of 60.0 feet, a distance of 49.65 feet to a point of tangency;

RUNNING THENCE: N-00°-52'-17"-E, parallel with the said west line of Wallace Avenue, a distance of 1,125.88 feet to the said southerly line of Broadway;

RUNNING THENCE: N-81°-05'-11"-E, along the said southerly line of Broadway, a distance of 60.89 feet to the POINT OR PLACE OF BEGINNING; containing 1.985₊ Acres, be the same, more or less.

SCHEDULE A

11 010005 P 038

(Suggested Description)

Job No. 5520-A

New Erie Industrial Center
Permanent Utilities
Easement

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, and being part of Lot 23, Township 11, Range 7 of the Holland Land Company survey (so-called), bounded and described as follows:

BEGINNING in the north line of Gruner Street (50.0 feet wide) at the southeast corner of Lot 25 as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 337;

RUNNING THENCE: N-88°-16'-17"-W, along the said north line of Gruner Street, a distance of 60.0 feet to the southwest corner of Lot 26 on said map;

RUNNING THENCE: N-00°-52'-17"-E, along the west line of said Lot 26 and its continuation, a distance of 600.72 feet to the southerly line of a 6 feet wide easement granted by the Owner to the Town on even date herewith;

RUNNING THENCE: Easterly, along the said southerly easement line, along a curve to the left having a radius of 79.0 feet, a distance of 49.24 feet to a point;

RUNNING THENCE: S-00°-52'-17"-W, a distance of 256.63 feet to an angle point;

RUNNING THENCE: S-45°-44'-05"-E, a distance of 73.61 feet to an angle point;

RUNNING THENCE: S-00°-52'-17"-W, a distance of 194.95 feet to the north line of Lots 12-26 as shown on said subdivision map;

RUNNING THENCE: N-88°-16'-17"-W, along said last described line, a distance of 40.45 feet to the northeast corner of said Lot 25;

RUNNING THENCE: S-00°-52'-17"-W, along the east line of said Lot 25, a distance of 112.0 feet to the POINT OR PLACE OF

BEGINNING.

SCHEDULE A

010005 P 035

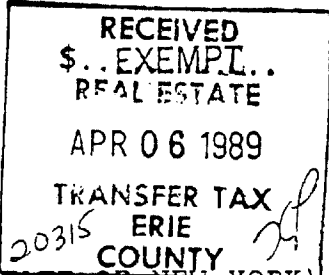
Second: That said Town shall quietly enjoy the said rights and easement;

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 authorized officer~~ ~~and these presents to be signed~~ and these presents to be signed by its duly authorized officer the day and year first above written.



By: *Charles W. Pecorella*
NEW ERIE INDUSTRIAL CENTER
CHARLES W. PECORELLA
Partner

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

On the 31st day of March, 1989, before me personally came Charles W. Pecorella, to me known, who being by me duly sworn, did depose and say that he resides in Brockport, New York, that he is a partner of NEW ERIE INDUSTRIAL CENTER, ~~INC.~~ the partnership described in, and which executed, the within instrument; and that he signed his name for and on behalf of the partnership.

Alan R. Feldstein
NOTARY PUBLIC

ALAN R. FELDSTEIN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN MONROE COUNTY
COMMISSION EXPIRES MARCH 30 1991

010005 P 034

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 pipes and appurtenances and such sanitary sewer pipeline 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;

EASEMENT

THIS INDENTURE, made and entered into as of the 31st day of March, 1989, by and between NEW ERIE INDUSTRIAL CENTER, a domestic partnership organized under the laws of the State of New York, with its principal office and place of business located at 250 State Street, Rockport, New York, 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 and no more) Dollar and other good and valuable consideration paid by the Town, does hereby grant and release unto the Town a non-exclusive permanent right-of-way and easement for the purpose of constructing, operating, and maintaining at its sole cost and expense, a drainage ditch and/or storm sewer pipes and appurtenances thereto, and a sanitary sewer pipeline and appurtenances thereto, in, across and under that portion of the real property of the Owner described in Schedule A and shown on Schedule B annexed hereto and made a part hereof.

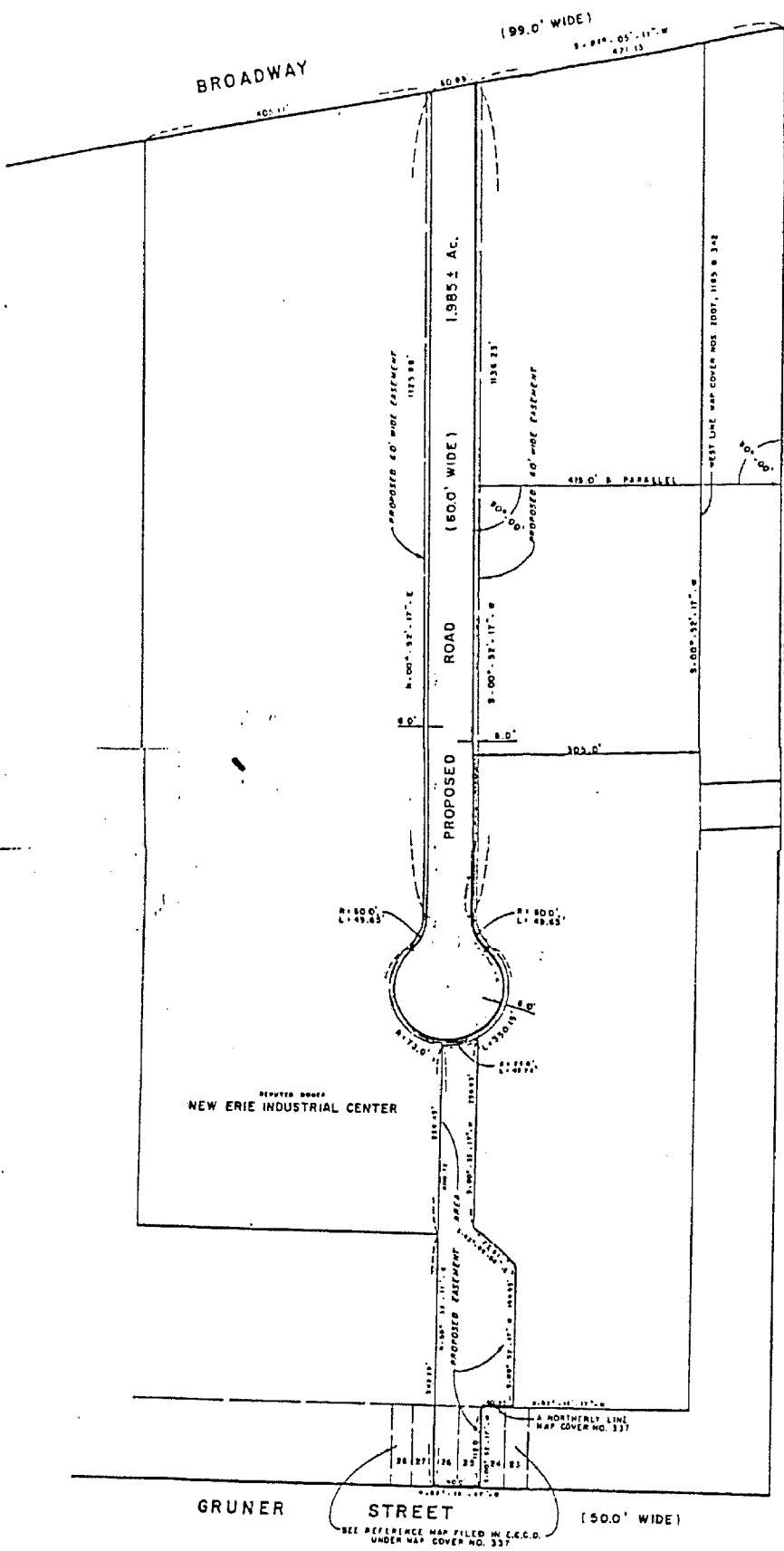
TOGETHER with a grant to the Town, its agents, servants and/or employees, of the right of reasonable ingress

RECEIVED

1989 APR 14 PM 2:52

TOWN CLERK

LI 010005 P 032



FILED
 1989 APR - 6 AM 10:24
 ERIE COUNTY
 CLERK'S OFFICE

FOR REFERENCE MAP SEE SURVEY PREPARED BY
 MCINTOSH & MCINTOSH, P.C. JOB NO. 5922,
 DATED FEBRUARY 27, 1988

GRUNER STREET (50.0' WIDE)
 SEE REFERENCE MAP FILED IN E.C.C.D.
 UNDER MAP COVER NO. 337

MCINTOSH & MCINTOSH, P.C.
 CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
 LOCKPORT, NEW YORK BUFFALO, NEW YORK
 PHONE 439-1322 PHONE 622-8886

RESERVED	REVISION	MAP SHOWING PROPOSED ROAD FOR NEW ERIE INDUSTRIAL CENTER
		LOCATION TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
		BEING PART OF LOT-23, TWP.-11, R-7, HOLLAND PURCHASE

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 ALL RIGHTS RESERVED

EASEMENT

NEW ERIE INDUSTRIAL CENTER

to 41

TOWN OF CHEEKTOWAGA

Dated: March 31, 1989

LI 010005 P 036

Box 430

STATE OF NEW YORK
 ERIE COUNTY CLERK'S OFFICE
 Received in Lib. 10005, Page 37
 of Books
 on the 7th day of April
 A.D., 1989, at 10:20 clock, A.M.
 and examined.

David J. Swartz
 CLERK

447 7 28109
 7-2000, 3

EASEMENT

THIS INDENTURE, made and entered into as of the 31st day of March, 1989, by and between NEW ERIE INDUSTRIAL CENTER, a domestic partnership organized under the laws of the State of New York, with its principal office and place of business located at 250 State Street, Brockport, New York, 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 Street in the Town of Cheektowaga, County of Erie and State of New York, hereinafter referred to as the Town.

1989 APR 14 PM 2:52
RECEIVED
TOWN OF CHEEKTOWAGA
JOHN BLEAK

WITNESSETH

THAT the Owner, in consideration of the sum of One and no/100 (\$1.00 and no more) Dollar and other good and valuable consideration paid by the Town, does hereby grant and release unto the Town a non-exclusive permanent right-of-way and easement for highway purposes and for the purpose of constructing, operating, and maintaining at its sole cost and expense, a sanitary sewer pipeline and other utility lines and appurtenances thereto, in, across and under that portion of the real property of the Owner described in Schedule A and shown on Schedule B annexed hereto and made a part hereof.

TOGETHER with a 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 easement and such sanitary sewer pipeline and utility lines 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;

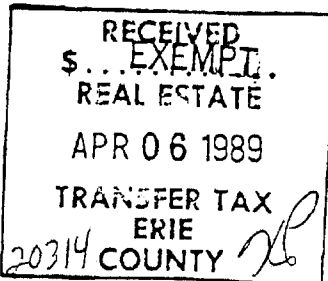
Second: That said Town shall quietly enjoy the said rights and easement;

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.



NEW ERIE INDUSTRIAL CENTER
By: *Charles W. Pecorella*
CHARLES W. PECORELLA
Partner

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

On the 31st day of March, 1989, before me personally came Charles W. Pecorella, to me known, who being by me duly sworn, did depose and say that he resides in Brockport, New York, that he is a partner of NEW ERIE INDUSTRIAL CENTER, ~~INC.~~ the partnership described in, and which executed, the within instrument; and that he signed his name for and on behalf of the partnership.

Alan R. Feldstein
NOTARY PUBLIC

ALAN R. FELDSTEIN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN MONROE COUNTY
COMMISSION EXPIRES MARCH 30, 1991

010005 P 028

(Suggested Description)

Job No. 5520-A

New Erie Industrial Center
Permanent Utilities Easement
Adjoining Proposed Road ROW

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, and being part of Lot 23, Township 11, Range 7 of the Holland Land Company survey (so-called), being a permanent utilities easement, 6 feet in width lying adjacent to a proposed road right-of-way, bounded and described as follows:

BEGINNING AT A POINT in the southerly line of Broadway (99.0 feet wide), S-81°-05'-11"-W, a distance of 421.13 feet (measured along the said southerly line of Broadway from the west line of Wallace Avenue (60 feet wide); said Point of Beginning being at a distance of 415.0 feet west of the west line of said Wallace Avenue as measured at right angles thereto;

RUNNING THENCE: S-00°-52'-17"-W, parallel with the said west line of Wallace Avenue, a distance of 1,136.23 feet to a point of curvature;

RUNNING THENCE: Along a curve to the left having a radius of 60.0 feet, a distance of 49.65 feet to a point of reverse curvature;

RUNNING THENCE: Along a curve to the right having a radius of 73.0 feet, a distance of 350.15 feet to a point of reverse curvature;

RUNNING THENCE: Along a curve to the left having a radius of 60.0 feet, a distance of 49.65 feet to a point of tangency;

RUNNING THENCE: N-00°-52'-17"-E, parallel with the said west line of Wallace Avenue, a distance of 1,125.88 feet to the said southerly line of Broadway;

RUNNING THENCE: S-81°-05'-11"-W, along the said southerly line of Broadway, a distance of 6.09 feet to a point;

RUNNING THENCE: S-00°-52'-17"-W, parallel with the said west line of Wallace Avenue, a distance of 1124.85 feet to a point of curvature;

SCHEDULE A

|| 010005 P 029

(Suggested Description) Job No. 5520-A

Page 2 of 2
Adjoining Easement

RUNNING THENCE: Along a curve to the right having a radius of 54.0 feet, a distance of 44.69 feet to a point of reverse curvature;

RUNNING THENCE: Along a curve to the left having a radius of 79.0 feet, a distance of 378.93 feet to a point of reverse curvature;

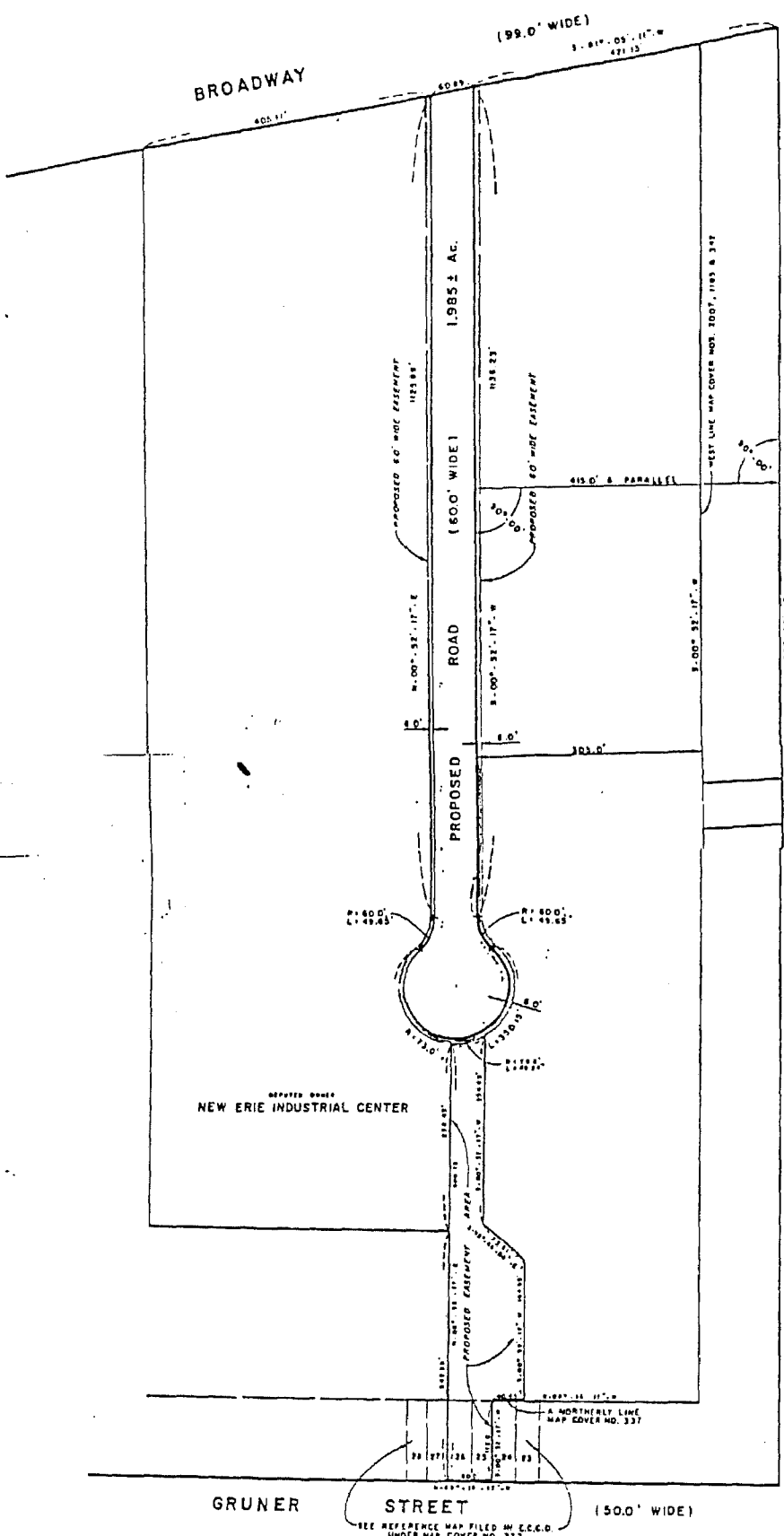
RUNNING THENCE: Along a curve to the right having a radius of 54.0 feet, a distance of 44.69 feet to a point of tangency;

RUNNING THENCE: N-00°-52'-17"-E, parallel with the said west line of Wallace Avenue, a distance of 1137.26 feet to the said southerly line of Broadway;

RUNNING THENCE: S-81°-05'-11"-W, along the said southerly line of Broadway, a distance of 6.09 feet to the POINT OR PLACE OF BEGINNING; containing 0.375± Acre, be the same, more or less.

SCHEDULE A (cont')

LI 010005 P 030



FILED
 1989 APR -6 AM 10:24
 ERIE COUNTY
 CLERK'S OFFICE

(30.0' WIDE) AVENUE WALLACE

GRUNER STREET (150.0' WIDE)

FOR REFERENCE MAP SEE SURVEY PREPARED BY
 MCINTOSH & MCINTOSH, P.C., JOB NO. 5520,
 DATED FEBRUARY 21, 1989

MCINTOSH & MCINTOSH, P.C.
 CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
 LOCKPORT, NEW YORK BUFFALO, NEW YORK
 PHONE 434-5131 PHONE 233-8200

RESURVEYED	REVISION	MAP SHOWING PROPOSED ROAD FOR NEW ERIE INDUSTRIAL CENTER
		LOCATION TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
		BEING PART OF LOT-23, TWP.-11, R.-7, HOLLAND PURCHASE

© 1989 MCINTOSH & MCINTOSH, P.C.
 ALL RIGHTS RESERVED

EASEMENT

NEW ERIE
 INDUSTRIAL
 CENTER

to
 TOWN OF
 CHEEKTOWAGA

Dated: March 31, 1989

Box 450

LI 010005 P 031

STATE OF NEW YORK
 ERIE COUNTY CLERK'S OFFICE
 Recorded in Liber 10005, Page 24.
 of ... Deeds ...
 on the ... of April ...
 A.D. 1989, at 10:34 o'clock ... A.M.
 and examined.

[Signature]
 CLERK

447 28109
 7.2300-3

Item No. 6b Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement (consisting of a new roadway approximately 1270 feet long and 30 feet wide, with flexible pavement, concrete curbing, storm drainage and lighting) and a lateral sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, plans, specifications and bid documents for the Infrastructure Improvements, New Erie Industrial Center were prepared and, on March 13, 1989, bid proposals for such work were received and opened, and

WHEREAS, such bid proposals were referred to Nussbaumer & Clarke, Inc., Consulting Engineers, for analysis, tabulation and report, and

WHEREAS, the report of Nussbaumer & Clarke, Inc. states that Salvo Excavation, Inc. is the lowest responsible bidder for such project, NOW, THEREFORE, BE IT

RESOLVED that the bid for Infrastructure Improvements, New Erie Industrial Center be and hereby is awarded to Salvo Excavation, Inc., 9780 County Road, Clarence Center, New York 14032, the lowest responsible bidder meeting specifications, for a total bid price of \$301,092.00, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby Authorized and directed to sign the agreement with Salvo Excavation, Inc. for the Infrastructure Improvements, New Erie Industrial Center Project, and BE IT FURTHER

RESOLVED that monies for the Infrastructure Improvements in connection with the subject construction contract shall be paid as follows from the following accounts:

Account No. 05 1440 8824 1100	\$260,495.00
Account No. 05 1440 8825 1100	\$40,597.00

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 6c Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement (consisting of a new roadway approximately 1270 feet long and 30 feet wide, with flexible pavement, concrete curbing, storm drainage and lighting) and a lateral sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, on April 3, 1989, this Town Board awarded a contract for Infrastructure Improvements, New Erie Industrial Center, and

WHEREAS, at the request of the Town Engineer, Nussbaumer & Clarke, Inc., Consulting Engineers, submitted a proposal for their general services during construction for the required Infrastructure Improvements, which proposal dated March 15, 1989 is attached, and

WHEREAS, the Town Engineer approves and recommends acceptance of said proposal, NOW, THEREFORE, BE IT

Item No. 6c continued

RESOLVED that this Town Board hereby accepts and approves the attached proposal of Nussbaumer & Clarke, Inc. for the provision of professional services during and after construction at a cost not to exceed \$8,100.00, as outlined, and BE IT FURTHER

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

RESOLVED that moneys for such services to be rendered by Nussbaumer & Clarke, Inc. in connection with the Infrastructure Improvements, New Erie Industrial Center shall be paid as follows out of the following accounts:

Account No. 05 1440 8824 0400	\$7,100.00
Account No. 05 1440 8825 0400	\$1,000.00

Upon Roll Call....

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

* SEE NEXT PAGES FOR AGREEMENT *

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

TO: Dean T. Perry, P.E.
C.E.O. - Engineering

FROM: Chester L. Bryan, P.E.
Town Engineer

DATE: April 5, 1989

RE: New Erie Industrial Center
NCI File No. 89-133

Attached for your files is an originally signed copy of the Agreement between the Town of Cheektowaga and Nussbaumer & Clarke, Inc. dated March 15, 1989 for the preparation of plans and specifications for bidding the New Erie Industrial Center as approved by the Cheektowaga Town Board on April 3, 1989 (Item 6c).

/mjh

cc: Town Clerk's Office
Town Attorney's Office

attachment

Chester L. Bryan, P.E.

-2-

March 15, 1989

3. Record Drawings

The Engineer will prepare record (as-built) drawings for the Town of Cheektowaga showing manholes, catch basins, hubs and pertinent data with dimensional ties.

We propose to furnish these services for a lump sum fee of \$8,100.00. Invoicing for the work would be on a schedule as indicated below which is based on the work completed in each phase.

Fee Schedule

Payment will be invoiced in accordance with the following schedule:

- 1. General Services during Construction
Items a through e inclusive Lump Sum ... \$ 2,100.00
- 2. Original survey and stakeout Lump Sum \$ 4,000.00
- 3. "Record" drawings Lump Sum ... \$ 2,000.00

Work on Items 1a through 1e will be billed on a monthly basis in proportion to the percentage of work completed, and billed by the contractor.

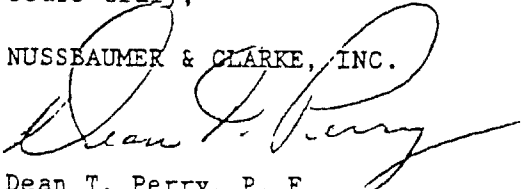
Should this proposal be acceptable to the Town of Cheektowaga, please execute this letter contract in the space provided and return the original to our office, retaining a copy for your records.

If there are any questions with respect to scope of work or the proposal contents, please feel free to contact us at your convenience.

Thank you again for the opportunity to present this proposal. We look forward to working with the town on this project.

Yours truly,

NUSSBAUMER & CLARKE, INC.


Dean T. Perry, P. E.
C.E.O. - Engineering
b

Accepted: TOWN OF CHEEKTOWAGA, NEW YORK

By:  _____

Title: Supervisor Date: April 5, 1989



Nussbaumer & Clarke, Inc.

Consulting Engineers Surveyors

310 Delaware Avenue Buffalo, New York 14202
(716) 853-7582

Oswego, New York
(315) 342-3010

FAX (716) 852-2451

Rochester, New York
(716) 442-5330

March 15, 1989

Chester L. Bryan, P. E.
Cheektowaga Town Engineer
Broadway and Union Road
Cheektowaga, New York 14227

Re: New Erie Industrial Center
Proposal for Preparation of
Plans and Specifications for Bidding
NCI File No. 89-133/Task 2

Dear Mr. Bryan:

Thank you for the opportunity to submit this proposal for General Services during Construction for the New Erie Industrial Center site.

As indicated in our telephone call March 14, 1989, we are available to work on this project immediately, to have a letter of recommendation and bid tabulation ready for Town Board approval on Monday, March 20, 1989.

We propose to furnish the following scope of services:

1. General Services during Construction (Office and Field Services)
 - a. Prepare a bid tabulation and a letter of recommendation for award of contract to be acted upon by the Town Board.
 - b. Review of shop drawings, changes orders, interpretation of drawings and contract documents.
 - c. Review of contractor's payment requests, including recommendations to Town.
 - d. Periodic site inspection by the Engineer or his representative (not to exceed 16 manhours).
 - e. Attendance at job meetings (maximum of three).

2. Survey and Stakeout

Survey and stake out, one (1) time (original stake out and control by Nussbaumer & Clarke, Inc.; replacement of stakes due to vandalism will be the responsibility of the contractor).

STAFFED BY: ENGINEERS • ARCHITECTS • PLANNERS • SURVEYORS

MEETING NO. 9
April 3, 1989

Item No. 7 Authorize Building Inspector to issue building permits for Edgeport Subdivision.
This item was withdrawn.

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

WHEREAS, St. Patrick's Episcopal Church is the owner of certain real property located at 1395 George Urban Boulevard in the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga is desirous of using a portion of the aforesaid real property for playground and outdoor neighborhood recreational purposes, and

WHEREAS, an agreement by and between the Town for said use is authorized by the General Municipal Law of the State of New York, and

WHEREAS, a proposed agreement for said use, containing a legal description of said real property has been prepared and has been reviewed as to form by the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute said agreement on behalf of the Town of Cheektowaga.

Upon Roll Call....

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

Item No. 9 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, by resolution dated November 5, 1984, the Town of Cheektowaga became a member of the Northeast Communities Solid Waste Management Board ("Northeast Board") which Board was formed to ensure cooperative efforts between municipalities in solving solid waste problems, and

WHEREAS, thereafter and by resolution dated November 18, 1985, this Town Board authorized the Town to act as lead agency for all activities involved in preparation of engineering work concerning the development of a waste-to-energy facility, and

WHEREAS, the Northeast Board is presently proposing the establishment of a Yard Waste Composting Site and has requested the Town of Cheektowaga to act as lead agency for activities (i.e. engineering, permitting) involved with the establishment of such Yard Waste Composting Site, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the Town acting as lead agency on behalf of the Northeast Board for the establishment of a Yard Waste Composting Site.

Upon Roll Call....

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

Item No. 10 Motion by Councilman Kulyk Seconded by Unanimous

WHEREAS, the New York State Senate and the New York State Assembly has approved legislation (Assembly Bill 1070; Senate Bill 600) to reinstate the death penalty in New York State, and

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

Item No. 10 continued

WHEREAS, Governor Mario Cuomo has vetoed this legislation, and

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

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

RESOLVED that the Cheektowaga Town Board hereby memorializes the New York State Assembly to support the override of Governor Cuomo's veto of Assembly Bill No. 1070/Senate Bill No. 600 supporting the death penalty, and BE IT FURTHER

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

Upon Roll Call....

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

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

WHEREAS, the War of 1812 Cemetery located on Aero Drive in the Town of Cheektowaga is owned and maintained by the Town in conjunction with the Cemetery Board of Trustees and is regarded as a valuable asset to the community, and

WHEREAS, this Town Board in an effort to enhance the beauty and qualities of the War of 1812 Cemetery is desirous of leasing a portion of property contiguous to the cemetery site owned by the Niagara Frontier Transportation Authority ("NFTA"), and

WHEREAS, the NFTA does not presently need or contemplate a future need for the subject property, located southwest of the cemetery site, for future airport operations, and

WHEREAS, the Town Attorney has prepared a draft Agreement for the Grant of Use of the subject property to the Town by the NFTA enumerating numerous terms and conditions to be mutually agreed upon, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby petitions the NFTA to enter into the aforesaid Agreement permitting the Town to use a portion of NFTA property which adjoins the War of 1812 Cemetery and BE IT FURTHER

RESOLVED that a certified copy of this resolution be sent to Mr. Alfred Savage, Executive Director of the NFTA, together with the draft Agreement as prepared by the Town Attorney.

Upon Roll Call....

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

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

WHEREAS, Senator John B. Sheffer II, instituted efforts to enhance the quality of Ellicott Creek throughout Erie County with the participation of affected localities, governmental agencies and environmental groups, known as the Ellicott Creek Improvement Committee, and

WHEREAS, in conjunction with this comprehensive effort to improve water quality, scenic quality, fishing and other recreational uses for Ellicott

Item No. 11b continued

Creek, the Ellicott Creek Improvement Committee has proposed the acquisition of parcels along the length of the watercourse which would provide public access to Ellicott Creek, with the funding for said acquisition being provided under the Environmental Bond Act, and

WHEREAS, this Town Board supports this proposal to acquire parcels adjacent to Ellicott Creek for public access and enjoyment of this valuable natural resource, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that this Town Board hereby petitions the New York State Department of Environmental Conservation, and the Ellicott Creek Improvement Committee to give consideration to sites abutting Ellicott Creek located within the Town of Cheektowaga, including an area associated with the Town's War of 1812 Cemetery on Aero Drive, as outlined on mapping prepared by the Town Engineer, and, ~~BE~~ IT FURTHER

RESOLVED that a certified copy of this resolution be sent to Mr. John Spagnoli, Regional Director of the Region 9 Office of the New York State Department of Environmental Conservation, and the Erie and Niagara Counties Regional Planning Board together with mapping of sites proposed for acquisition located within the Town of Cheektowaga.

Upon Roll Call....

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

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

WHEREAS, by resolution dated March 20, 1989, this Town Board amended the Local Law for Snowplowing, and

WHEREAS, subdivision c (1) of such Local Law provides that applicants for snowplowing permits shall maintain liability insurance in such kinds and amounts as shall be, from time to time, determined by the Town Board, and

WHEREAS, the Town's Insurance Consultant has recommended minimum insurance requirements for snowplow operators, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the following kinds and amounts of liability insurance shall be required under the Town's Local Law for Snowplowing, effective immediately;

<u>KIND</u>	<u>AMOUNT</u>
1. a. Automobile Bodily Injury Liability; and	\$100,000 each accident
b. Automobile Property Damage Liability	\$50,000 each accident

OR

2. Automobile Bodily Injury and Property Damage Liability combined	\$100,000
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Upon Roll Call....

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

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

WHEREAS, the Erie County Fire Services Council will be holding its annual Firemen's Recognition Day festivities on Sunday, April 23, 1989 from 2:00 to 5:00 p.m. at the Fire Training Tower on Broadway, and

Item No. 13 continued

WHEREAS, the Erie County Fire Services Council has requested permission to hold a Truck Parade for such event from the Apple Tree Mall to the Fire Training Tower, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the use of Union Road (from the Apple Tree Mall to Broadway) and Broadway (from Union Road to the driveway for the Fire Training Tower) for a parade route for the Erie County Fire Services Council, and BE IT FURTHER

RESOLVED that the Chief of Police insure compliance with Section 1660 (a) (6) of the Vehicle and Traffic Law; and he is further authorized to make arrangements for any and all traffic safety and/or escort services.

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 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 March 3, 1989, rendered the determinations shown on the attached memo dated March 14, 1989, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following reference items which appear on the March 14, 1989 memo attached hereto:

ITEM III 300 Ellicott Road

Upon Roll Call....

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

* See Next Page *

ITEM III 300 Ellicott Road - Proposed Office/Warehouse

Applicant: Marini Industries

Determination: Non-Significant With Stipulations

The applicant has come in with a new site plan showing a 25 foot wide driveway from Broadway to the site which is along Ellicott Road.

This driveway was necessary to provide access for fire apparatus and to provide utilities from Broadway to the site. The applicant will obtain final approval of drainage from the Town Engineering Department and it was also suggested to the applicant that he "dress up" the rear of the building with landscaping. The possibility of piping the ditch and receiver were discussed and the final details must be addressed with the Town Engineer. The Planning Board has yet to review the landscaping plan but it was the opinion of the committee with the additional landscaping along the rear of the building, facing Broadway, the landscaping will be adequate.

Therefore stipulations are approval of drainage with the Engineering Department, additional dressing up of the building with landscapin, possibly rib block, Planning Board to review landscaping, the applicant maintains the 25 foot driveway for fire apparatus access.

Item No. 15a Motion by Supervisor Swiatek Seconded by Councilman Kazukiewicz

WHEREAS, Self Insurers Service ("S.I.S.") has submitted a proposal for the renewal of their contract for Liability Claims Administration under the Town's established self-insurance program, and

WHEREAS, S.I.S. will provide such claims administrative services for a flat fee of \$11,500 for the first 29 claims plus \$396.00 per claim over 29 for a one year period, and

WHEREAS, the Town's insurance consultant has evaluated the proposed continuation of the aforementioned contract with S.I.S., and has recommended that same be accepted by the Town, NOW, THEREFORE, BE IT

RESOLVED that the Town hereby accepts the aforementioned proposal made by S.I.S., and BE IT FURTHER

RESOLVED that the Supervisor be and he hereby is authorized and directed to execute a liability claims administration services contract with S.I.S.

Upon Roll Call....

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

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

WHEREAS, by Resolution dated August 4, 1986, this Town Board rezoned various properties located on Losson Road in the Town of Cheektowaga, and

WHEREAS, on the 27th day of August, 1986 the Town of Cheektowaga was served with a Notice of Motion and Petition in a Special Proceeding entitled "Los-Green, Inc., Petitioner vs. Daniel Weber, Supervisor, et al., Respondents"; which Special Proceeding called for the annulling of the aforementioned Resolution, and

WHEREAS, the Hon. Thomas F. McGowan, Justice of the Supreme Court, on May 2, 1988, signed an Order, adjudging and decreeing that the zoning classification of Petitioner's property be restored to the General Commercial zoning classification as existed prior to the Town's action in 1986, and

WHEREAS, an appeal of the decision and order of Justice McGowan was duly authorized by Resolution of the Town Board on May 16, 1988,

NOW, THEREFORE, BE IT RESOLVED that Mr. Peter M. Kooshoian, attorney-at-law, Buffalo, New York, who has previously represented the Town's interest on appellate matters and who the Town Attorney advises has experience and specialized knowledge in appellate matters, be and he hereby is retained to process the previously authorized appeal on behalf of the Town, and

BE IT FURTHER RESOLVED that all reasonable legal fees and expenses of such appeal be paid by the Town.

Upon Roll Call....

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

Item No. 16a Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga is desirous of hiring civilian dispatchers for the dispatch of police, fire and first-aid calls and emergencies, AND

Item No. 16a continued

WHEREAS, there is currently in existence a Civil Service Eligible List for the title of Public Safety Dispatcher, AND

WHEREAS, the Town has canvassed said list and has interviewed candidates for the position of Public Safety Dispatcher, NOW, THEREFORE, BE IT

RESOLVED that the following names persons be hired as Public Safety Dispatchers, effective, April 17, 1989 and at an annual beginning salary of \$18,000.

JEFFREY PLACE
DAVID FILIPSKI
KENNETH STOLLER

Salaries are to be taken from line item 01312000011561.

Upon Roll Call....

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

Item No. 16b Appointment of Working Foreman in Facilities Department.
This item was withdrawn

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

WHEREAS, the terms of five members of the Cheektowaga Traffic Safety Commission expired on December 31, 1988, AND

WHEREAS, this Town Board desires to reappoint the individuals whose terms on the Traffic Safety Commission have expired, NOW, THEREFORE, BE It

RESOLVED that the following be and hereby are reappointed to a three-year term on the Cheektowaga Traffic Safety Commission, retroactive to December 31, 1988 and expiring on December 31, 1991:

Carl Perlino
James Makowski
David Metz
William Vogelesang
Michael McGuire

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 Kazukiewicz

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, the Town Board approved the proposed By-Laws of said 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

Item No. 16d continued

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation has recommended the appointment of individuals hereinafter listed to the Board of Directors of said Corporation, NOW, THEREFORE, BE IT

RESOLVED that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation for a term of three years, said term effective until the subsequent reappointment for said Board positions on or about the date of April 1, 1992:

Robert Pietrzak
Samuel Tadio
Charles Miller

Upon Roll Call....

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

Item No. 16e Appointment to Cheektowaga Library Board.
This item was withdrawn.

Item No. 17a Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, the term of Edward Tokasz as a member of the Cheektowaga Zoning Board of Appeals will expire on April 21, 1989, AND

WHEREAS, this Town Board desires to reappoint Edward Tokasz to a new term on the Zoning Board, NOW, THEREFORE, BE IT

RESOLVED that Edward Tokasz be and hereby is reappointed to a new five-year term on the Cheektowaga Zoning Board of Appeals, said term to commence on April 21, 1989 and expire on April 21, 1994.

Upon Roll Call....

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

Item No. 17b Motion by Councilman Solecki Seconded by Councilman Johnson

BE IT RESOLVED that Dennis M. Mavromatis, Cheektowaga, New York 14225, is hereby reappointed to serve a full five-year term as a member of the Cheektowaga Library Board; said appointment is being made retroactive to January 1, 1989.

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 Supervisor Swiatek

BE IT RESOLVED that Gabriel Babiarz, Cheektowaga, N.Y. 14225, be hired as a part-time van driver (Job Class 0111) at a rate of \$4.25 an hour in the Department of Senior Services. Funding Source: Account 7620.1639

Upon Roll Call....

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

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

BE IT RESOLVED that the following seasonal employees' per hour rate of pay in the Facilities Department be increased to \$4.35 per hour effective immediately:

Parks Division - #01-7110-001-1491

Bruce Blachowski
John Bratek
Joseph Dolecki
Gordon Hagmier
John Kochel
Jeff Kocielny
Felix Lampke
Daniel Olejniczak
Randy Palmisano
Harry Rogalski
Stanley Siejak
Ronald Sobocinski
Cam Viverto
Lawrence Williams

Building Maintenance Division - #01-1625-0001-1491

Joseph Coffta
Steve Dunkowski
David Nowicki
Francis Strong

#01-625-0001-1391 - Clerical

Joanne Krajewski

Upon Roll Call....

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

Item No. 20a Motion by Councilman Jaworowicz Seconded by Councilman Johnson

WHEREAS, the New York State Board of Corrections is conducting a seminar entitled "Suicide Prevention-Train the Trainer" in Albany, New York from May 2-4, 1989, and

WHEREAS, such seminar is designed to train police officers and others working at correctional institutions and cell blocks to monitor arrested individuals for suicidal tendencies, thereby preventing suicides, and

WHEREAS, the New York State Board of Corrections requires the Town Police Department to make every effort to educate our officers and employees on the prevention of suicides, and

WHEREAS, the Chief of Police has requested permission for Sgt. Kenneth Hycner, Sgt. Gary Grieco and Lt. John Howlett to attend this seminar, and

WHEREAS, there is no cost to the Town for the seminar or for lodging,
NOW, THEREFORE, BE IT

RESOLVED that Sgt. Hycner, Sgt. Grieco and Lt. Howlett be and hereby are authorized to attend the aforementioned seminar and to use a police vehicle for going to and from such seminar, and BE IT FURTHER

RESOLVED that such officers shall be reimbursed for the reasonable cost of their meals and transportation out of Town budget line item number 01191000044082.

Item No. 20a continued

Upon Roll Call....

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

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

WHEREAS, due to the decline of railroad lines, an opportunity has emerged for the creation of new trails for recreation and wildlife conservation and study, and

WHEREAS, the Rails-to-Trails Conservancy and the National Park Service are holding a "Rails-to-Trails" training seminar in Albany, New York on April 25, 1989, and

WHEREAS, such seminar will provide training on the techniques and legal information necessary to achieve successful rails-to-trails conversions, and

WHEREAS, information provided by such seminar would be useful to the Town in light of railroad line abandonments in the Town, NOW, THEREFORE, BE IT

RESOLVED that Patricia Staniszek, Youth Bureau Program Coordinator, be and hereby is authorized to attend such seminar, and BE IT FURTHER

RESOLVED that this Town Board hereby agrees to assume reasonable costs for registration fee, transportation, lodging and meals for Ms. Staniszek's attendance at such seminar, such costs to be paid out of Town budget line item number 01-1910-0004-4082.

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

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

GENERAL FUND

FROM: 1410-04-4001 (Office supplies-Town Clerk) \$1,540.00
TO: 1410-04-4431 (Equipment Maintenance-Town Clerk) \$1,540.00

HIGHWAY FUND

FROM: 5141-01-1404 (Sr. Eng. Assistant) \$32,902.00
TO: 5141-01-1402 (Principal Eng. Assistant) \$32,902.00

Upon Roll Call....

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

Item No. 22 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to April 3, 1989 are hereby approved and made a part hereof:

Item No. 22 continued

FUND	AMOUNT
GENERAL FUND	\$ 484,463.30
HIGHWAY FUND	116,617.24
CAPITAL FUND	137,858.99
TRUST AND AGENCY FUND	259,055.33
PART TOWN FUND	11,892.25
RISK RETENTION FUND	45,160.00
SPECIAL DISTRICT FUND	232,645.51
	<u>\$1,287,692.62</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. 23 Call for Public Hearing - 2911 William Street
This item was withdrawn. See Item 5B.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 24 Supervisor's Statement of Funds - December, 1988
Received and Filed.

Item No. 25 Building Permits
Received and Filed

Item No. 26 Minutes of Cheektowaga Library Board - February, 1989
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 27a NYSDOT-Notice of Order Harlem Rd. and William St.
Copies were sent to: Frank E. Swiatek, Supervisor; Councilmen;
Robert M. Lis, Chief of Police; Christopher Kowal, Highway Dept.
Received and Filed.

Item No. 27b NYSDOT-Completion of Contract of Replacement bridge over Cayuga Cr.
Copies were sent to: Frank E. Swiatek, Supervisor; Councilmen;
Highway Department, Engineering Department.
Received and Filed.

Item No. 28 County of Erie. Letter regarding signal operation at Maryvale and
Maryvale School Drive and George Urban and Nagel.
Copies were sent to: Frank E. Swiatek, Supervisor; Councilmen.
Received and Filed.

Item No. 29a Notice of Claim. Allstate 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;
Received and Filed.

Item No. 29b Notice of Claim. McDonald Products 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;
Received and Filed.

Item No. 29c Notice of Claim. David J. Jakubik 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;
Received and Filed.

Item No. 30 Petition from residents of Croy Ave. regarding Buffalo Sewer Autho.
Copies were sent to: Frank E. Swiatek, Supervisor; Councilmen;
Engineering Department;
Received and Filed.

Motion to suspend rules at this point was objected to by Councilman
Kazukiewicz

Item No. 31 Motion by Councilman Kulyk Seconded by Councilman Kazukiewicz to
adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th day of April, 1989 at 7:30 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; Bruce Chamberlin Asst. Chief of Police; Chester Bryan, Town Engineer; Ron Marten, Building & Plumbing Inspector; Chris Kowal, Highway Superintendent; Ralph Majchrowicz, Director of Administration and Finance; Donald Wegner, Chairman, Zoning Board of Appeals.

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 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

A. No Parking

CLEVELAND DRIVE south side from a point 228+ feet west of the west curblin
of Highview Road to a point 308+ feet west of the
west curblin of Highview Road, a distance of 80+
feet

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

Item No. 2b This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the 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:

Item No. 2b cont'd

ARTICLE VIII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Woodgate Drive	North-south	Barbados Drive	Eastbound	S.W. Corner
Woodgate Drive	North-south	Barbados Drive	Westbound	N.E. Corner

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

II. RESOLUTIONS

Item No. 3a Motion by Councilman Kulyk, Seconded by Unanimous

WHEREAS, Bernard L. DiPizio and Laurice Boehmer have petitioned for the rezoning from R-Residence District to RA-Apartment District of property owned by them and located on Milsom Avenue, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of March, 1989 at 6:30 o'clock P.M., after publication and services of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended denial thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning would not have a significant effect on the environment, subject to certain conditions, and

WHEREAS, there are no other two-family dwellings on Milsom Avenue, and the incursion of a duplex here is not in conformance with the Town's comprehensive plan,

NOW, THEREFORE, BE IT RESOVLED that the application of Bernard L. DiPizio and Laurice Boehmer for the rezoning from R-Residence District to RA-Apartment District of the property specified in the attached legal description be and the same is hereby denied.

* See next page for legal description

Upon Roll Call....

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

All that tract or parcel of land situated in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot Number 23, Township 11, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lot Numbers 5 to 8 inclusive in Block "E".

MC812

Item No. 3b Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, Johnstone Reid has petitioned for the rezoning from RA-Apartment District to C-Retail Business District of property owned by David Glian and located at 759 Dick Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of April, 1989 at 7:00 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. approval of drainage plan by Town Engineering Department.
2. review of curb cuts by Traffic Safety Commission

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, contingent upon the following:

1. Findings and recommendations of the Traffic Safety Commission with respect to ingress/egress be incorporated into the site design.
2. Tenant uses for the facility be compatible with the proposed number of parking spaces commensurate with the Zoning Ordinance requirements, 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 Johnstone Reid for the rezoning from RA-Apartment District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Planning Board and 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.

* * * * *

MOTION BY COUNCILMAN JOHNSON, 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

* * * * *

Item No. 3b cont'd

Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, Johnstone Reid has petitioned for the rezoning from RA-Apartment District to C-Retail Business District of property owned by David Glian and located at 759 Dick Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of April, 1989 at 7:00 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. approval of drainage plan by Town Engineering Department, said drainage approval to be conditioned upon completion of the Barone Circle Town drainage project
2. review of curb cuts by Traffic Safety Commission

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, contingent upon the following:

1. Findings and recommendations of the Traffic Safety Commission with respect to ingress/egress be incorporated into the site design.
2. Tenant uses for the facility be compatible with the proposed number of parking spaces commensurate with the Zoning Ordinance requirements, 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 Johnstone Reid for the rezoning from RA-Apartment District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Planning Board and Environmental Advisory Committee, and ~~BE~~ IT FURTHER

RESOLVED that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

* See next page for legal description

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

This Indenture,

Made the 30th day of September

Nineteen Hundred and Eighty-seven

Between

Jean Feldmeyer, residing at 25 Lydia Lane,
Cheektowaga, New York 14225

Ancillary
as ~~Executor~~ Executrix of
Incoronata Barone
Ormond Beach, Florida
deceased,

the last Will and Testament of
, late of

part y of the first part, and

David Glian, residing at
Kenmore, N.Y. 14217

COMMUNION FROM THE 21st -
OFFICE OF THE CLERK
ERIE COUNTY CLERK'S OFFICE
ALLEGRA F. DANIELLO

Witnesseth,

That the part y of the first part, by virtue of the power and authority
to her given in and by the said last Will and Testament, and in consideration of
Twenty-three Thousand and 00/100----- Dollars,
(\$ 23,000.00) lawful money of the United States,

paid by the party of the second part,
do es hereby grant and release unto the part y of the second part, his heirs
and assigns forever, all

All that plot of land situated in the Town
of Cheektowaga, County of Erie and State of
New York, being part of Lot Number twelve (12),
Township eleven (11), Range seven (7) of the
Holland Land Company's Survey and further dis-
tinguished as Subdivision Lot Number two (2)
as shown on a map filed in Erie County Clerk's
Office under Cover number 2123.

EXCEPTING part conveyed to the County
of Erie by deed recorded in Erie County Clerk's
Office in Liber 7795 of Deeds at page 260.

RECEIVED
\$ 92,164.00
REAL ESTATE
SEP 30 1987
TRANSFER TAX
5598 ERIE
COUNTY 41

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..... *4/20/89* ;
last publication..... *4/20/89* ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

Sworn to before me this *20th*

day of *April*, 19*89*.....

..... *Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of April, 1989 at 7:30 o'clock p.m. Eastern Daylight 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, Johnstone Reid have petitioned for the rezoning from RA-Apartment District to C-Retail Business District of property owned by David Ghan and located at 759 Dick Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 20th day of March, 1989 at 7:00 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. approval of drainage plan by Town Engineering Department, said drainage approval to be conditioned upon completion of the Barone Circle Town drainage project
2. review of curb cuts by Traffic Safety Commission

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 application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have significant effect on the environment provided the following conditions are complied with:

1. Findings and recommendations of the Traffic Safety Commission with respect to ingress/egress be incorporated into the site design.
2. Tenants uses for the facility be compatible with the proposed number of parking spaces commensurate with the Zoning Ordinance requirements, 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 Johnstone Reid for the rezoning from

RA-Apartment 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 aforementioned conditions recommended by the Cheektowaga Planning Board and 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.

Upon roll call.....

Supervisor Swiatek Voting **AYE**
Councilman Johnson Voting **AYE**
Councilman Jaworowicz Voting

AYE
Councilman Gabryszak Voting

AYE
Councilman Kulyk Voting **AYE**
Councilman Kazukiewicz Voting

AYE
Councilman Solecki Voting **AYE**

AYES: 7

NAYES: 0

ABSENT: 0

All that plot of land situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number twelve (12), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number two (2) as shown on a map filed in Erie County Clerk's Office under Cover number 2123.

EXCEPTING part conveyed to the County of Erie by deed recorded in Erie County Clerk's Office in Liber 7795 of Deeds at page 260.

**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 April 17, 1989, 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 3B, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 17th day of April, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

Item No. 3c Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

WHEREAS, Bernard L. Rusiniak has petitioned for the rezoning from R-Residence District to RA-Apartment District of property owned by him and located at the rear of 2878-2882 Union Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of April, 1989 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment,

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

NOW, THEREFORE, BE IT RESOVLED that the application of Bernard L. Rusiniak for the rezoning from R-Residence District to RA-Apartment District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

* See next page for legal description

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number fifteen (15), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the west line of Union Road as a 100 foot wide road, 1327.59 feet northerly of the intersection of the westerly line of Union Road and the south line of Lot 15; thence westerly along a line at an interior angle of $88^{\circ},58'',10'$, and parallel with the south line of Lot 15, 799.90 feet to the east line of Map Cover No. 2198; thence northerly along the east line of Subdivision Lots 187 through 193 of Cover 2198 and at an internal angle of $91^{\circ},11'',50'$, 221.43 feet to a point; thence easterly at an internal angle of $88^{\circ},48'',10'$, and parallel with the south line of Lot 15, 800.54 feet to the west line of Union Road; thence southerly along the west line of Union Road 221.43 feet to the point or place of beginning.

EXCEPTING therefrom that portion of the aforementioned property having a frontage of 221.43 on Union Road and a depth of 200 feet.

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 for1..... weeks:
first publication..... *4/20/89*..... ;
last publication..... *4/20/89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

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

day of *April*....., 19 *89*.....

..... *Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19 *89*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of April, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving 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 Kazukiewicz

WHEREAS, Bernard L. Rusiniak has petitioned for the rezoning from R-Residential District to RA-Apartment District of property owned by him and located at the rear of 2878-2882 Union Road, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of April, 1989 at 7:00 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 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 application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have significant effect on the environment, and

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

NOW, THEREFORE, BE IT RESOLVED that the application of Bernard L. Rusiniak for the rezoning from R-Residential District to RA-Apartment District of the property specified in the attached legal description be and the same is hereby approved subject to compliance with the aforementioned conditions recommended by the Cheektowaga Planning Board and 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.

Upon roll call,....

Supervisor Swiatek Voting AYE

Councilman Johnson Voting AYE

Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number fifteen (15), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point on the west line of Union Road as a 100 foot wide road, 1327.59 feet northerly of the intersection of the westerly line of Union Road and the south line of Lot 15; thence westerly along a line at an interior angle of 88 degrees, 58', 10', and parallel with the south line of Lot 15, 799.90 feet to the east line of Map Cover No. 2198; thence northerly along the east line of Subdivision Lots 187 through 193 of Cover 2198 and at an angle of 91 degrees, 11', 50', 221.43 feet to a point; thence easterly at an internal angle of 88 degrees, 48', 10', and parallel with the south line of Lot 15, 800.54 feet to the west line of Union Road; thence southerly along the west line of Union Road 221.43 feet to the point or place of beginning.

EXCEPTING therefrom that portion of the aforementioned property having a frontage of 221.43 on Union Road an addepth of 200 feet.

**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 April 17, 1989, 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 3c, 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 April, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

Item No. 3d Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Bella Vista Group/Urbandale Dev. Co., Inc. has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by Urbandale Dev. Co., Inc. and located at 25 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 20th day of March, 1989 at 7:00 o'clock P.M., after publication and services of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. no collision work, painting, display, sales or storage of vehicles be allowed on the premises
2. petitioner having easements necessary for ingress/egress and for parking
3. submittal of a final detailed acceptable landscape plan

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, subject to the following conditions, and

1. There be no collision or painting of vehicles
2. There be no storage of unlicensed vehicles
3. Drainage be approved by the Town Engineer, and

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

NOW, THEREFORE, BE IT RESOVLED that the application of Bella Vista Group/Urbandale Dev. Co., Inc. 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 subject to the conditions recommended by the Planning Board and the Environmental Advisory Committee, and BE IT FURTHER

RESOLVED that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

* See next page for legal description

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

second part,

its successors

and assigns forever,

All that Tract or Parcel of Land, being part of lots 113 & 114, Township 10, Range 7, Town of Cheektowaga, County of Erie, State of New York bounded and described as follows:

Beginning at a point, 10.0 feet, S - 49° - 10' - 23" E from the center line of a 30.0' Water Line Easement to Erie County Water Authority Liber 7656, Page 606 and North 40° - 49' - 37" E, 366.18 feet along said center line of 30.0' easement from the East Line of Union Road as shown on New York State Department of Public Works Map #17, R-2, Parcel No. 24, running thence S - 49° - 10' - 23" E 70.0 feet to a point, thence S - 40° - 49' - 37" W, 171.33 feet to a point, thence N 49° - 10' - 23" W, 70.0 feet to a point, thence N - 40° - 49' - 37" E 171.33 parallel to and 10.0' South of the center line of a 30.0 feet water line easement to the point of beginning containing 0.28[±] acres.

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..... 4-20-89 ;
last publication..... 4-20-89 ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

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

day of April....., 1989.....

Susan Mulcahy.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 1989

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town

Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of April, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving 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 Jaworwicz

WHEREAS, Bella Vista Group/Urbandale Dev. Co., Inc. has petitioned for the rezoning from C-Retail Business District to CM-General Commercial District of property owned by Urbandale Dev. Co., Inc. and located at 25 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 20th day of March, 1989 at 7:00 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 collision work, painting, display, sales or storage of vehicles be allowed on premises
2. petitioner having easements necessary for ingress/egress and for parking
3. submittal of a final detailed acceptable landscape plan

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 application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have significant effect on the environment provided the following conditions:

1. There be no collision or painting of vehicles
2. There be no storage of unlicensed vehicles
3. Drainage be approved by the Town Engineer, 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 Bella Vista Group/Urbandale Dev. Co., Inc. for the rezoning from C-Retail District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved subject to compliance with the aforementioned conditions recommended by the Cheektowaga Planning Board and 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.

Upon roll call.....

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE

Councilman Gabryszak Voting AYE

Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

ALL THAT TRACT OR PARCEL OF LAND, being part of lots 113 & 114, Township 10, Range 7, Town of Cheektowaga, County of Erie, State of New York bounded and described as follows:

Beginning at a point, 10.0 feet, S-49 degrees-10'-23" E from the center line of a 30.0' Water Line Easement to Erie County Water Authority Liber 7656, Page 606 and North 40 degrees-49'-37" E, 366.18 feet along said center line of 30.0' easement from the East line of Union Road as show on New York State Department of Public Works Map #17, R-2, Parcel No. 24, running thence S-49 degrees-10'-23" E 70.0 feet to a point, thence S-40 degrees-49'-37" W, 171.33 feet to a point, thence N 49 degrees-10'-23" W, 70.0 feet to a point, thence N-40 degrees-49'-37" E 171.33 parallel to and 10.0' South of the center line of a 30.0 feet water line easement to the point of beginning containing 0.28+- acres.

**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 April 17, 1989, 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 3d, 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 April, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

Item No. 3e Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Bella Vista Group/Urbandale Dev. Co., Inc. applied for a Special Permit for a public garage on property located at 25 French 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 on such petition was held before this Town Board on the 20th day of March, 1989 at 7:00 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 following conditions:

1. no collision work, painting, display, sales or storage of vehicles be allowed on the premises
2. petitioner having easements necessary for ingress/ egress and for parking
3. submittal of a final detailed acceptable landscape plan

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 Special Permit for the above referenced property located at 25 French Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment, subject to the following conditions,

1. There be no collision or painting of vehicles
2. There be no storage of unlicensed vehicles
3. Drainage be approved by the Town Engineer ,and

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

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

* see next page for legal description.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

second part,

its successors

and assigns herein,

All that Tract or Parcel of Land, being part of lots 113 & 114, Township 10, Range 7, Town of Cheektowaga, County of Erie, State of New York bounded and described as follows:

Beginning at a point, 10.0 feet, S - 49° - 10' - 23" E from the center line of a 30.0' Water Line Easement to Erie County Water Authority Liber 7656, Page 606 and North 40° - 49' - 37" E, 366.18 feet along said center line of 30.0' easement from the East Line of Union Road as shown on New York State Department of Public Works Map #17, R-2, Parcel No. 24, running thence S - 49° - 10' - 23" E 70.0 feet to a point, thence S - 40° - 49' - 37" W, 171.33 feet to a point, thence N 49° - 10' - 23" W, 70.0 feet to a point, thence N - 40° - 49' - 37" E 171.33 parallel to and 10.0' South of the center line of a 30.0 feet water line easement to the point of beginning containing 0.28[±] acres.

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..... *4/20/89* ;
last publication..... *4/20/89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *20th*

day of *April*, 19 *89*

..... *Susan Mulcahy*

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19 *89*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of April, 1989 at 7:30 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

Motion by Councilman Kulyk and

Seconded by Councilman Jaworowicz

WHEREAS, Bella Vista Group,

Urbandale Dev. Co., Inc. applied for a

Special Permit for a public garage on

property located at 25 French 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 legal description

thereto, and

WHEREAS, a public hearing was

held before this Cheektowaga Town

Board on the 20th day of March, 1989

at 7:00 o'clock P.M. of said day for the

purpose of considering said applica-

tion for a Special Permit, after publica-

tion 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 thereof subject to the following

conditions:

1. no collision work, painting, display,

sales or storage of vehicles be allowed

on premises

2. petitioner having easements necessary

for ingress/egress and for parking

3. submittal of a final detailed acceptable

landscape plan

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

25 French Road, and has rendered a

determination that the Special Permit will

not have significant effect on the environment

provided the following conditions:

1. There be no collision or painting

of vehicles

2. There be no storage of unlicensed

vehicles

3. Drainage be approved by the

Town Engineer,

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

above-mentioned conditions recom-

mended by the Planning Board and

Environmental Advisory Committee.

Upon roll call.....

Supervisor Swiatek Voting

Councilman Johnson Voting

Councilman Jaworowicz Voting

Councilman Gabryszak Voting

Councilman Kulyk Voting

Councilman Kazukiewicz Voting

Councilman Solecki Voting

AYES:

NAYES:

ABSENT:

ALL THAT TRACT OR PARCEL OF LAND, being part of lots 113 & 114, Township 10, Range 7, Town of Cheektowaga, County of Erie, State of New York bounded and described as follows:

Beginning at a point, 10.0 feet, S-49 degrees-10'-23" E from the center line of a 30.0' Water Line Easement to Erie County Water Authority Liber 7656, Page 606 and North 40 degrees-49'-37" E 366.18 feet along said center line of 30.0' easement from the East line of Union Road as show on New York State Department of Public Works Map #17, R-2, Parcel No. 24, running thence S-49 degrees-10'-23" E 70.0 feet to a point, thence S-40 degrees-49'-37" W, 171.33 feet to a point, thence N 49 degrees-10'-23" W, 70.0 feet to a point, thence N-40 degrees-40'-37" E 171.33 parallel to and 10.0' South of the center line of a 30.0 feet water line easement to the point of beginning containing 0.28+/- acres.

**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 April 17, 1989, 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 3e, 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 April, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

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

WHEREAS, this Town Board held a public hearing on April 3, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

CROYDON DRIVE east side from the north edge of driveway at No. 30 Croydon Drive to the south curblineline of Cromwell Drive

CROYDON DRIVE east side from the south edge of driveway at No. 20 Croydon Drive to the north curblineline of Cromwell Drive

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 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*1*..... weeks:
first publication.....*4/20/89*..... ;
last publication.....*7/20/89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

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

day of*April*....., 19*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19.....

89

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of April, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving 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 Gabryszak

WHEREAS, this Town Board held a public hearing on April 3, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner
CROYDON DRIVE

east side

from the north edge of driveway at No. 30 Croydon to the south curbline of Cromwell Drive

CROYDON DRIVE

east side

from the south edge of driveway No. 20 Croydon Drive to the north curbline of Cromwell Drive

Section 2. Time to take effect.

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

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

Section 3. Territorial Application.

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

Section 4. Publication.

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

Upon roll call.....

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting

AYE

Councilman Gabryszak Voting

AYE

Councilman Kulyk Voting AYE

Councilman Kazukiewicz Voting

AYE

Councilman Solecki Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY 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 April 17, 1989, 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 hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 17th day of April, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

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

WHEREAS, this Town Board held a public hearing on April 17, 1989 at 7:30 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 VII

Stop and Yield Intersections

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Woodgate Drive	North-south	Barbados Drive	Eastbound	S.W. Corner
Woodgate Drive	North-south	Barbados Drive	Westbound	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....

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 for¹..... weeks:
first publication.....*4/20/89*..... ;
last publication.....*4/20/89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

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

day of*April*....., 19*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting 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 April, 1989 at 7:30 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

Motion by Councilman Kulyk and Seconded by Councilman Jaworowicz
WHEREAS, this Town Board held a public hearing on April 17, 1989 at 7:30 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>Street</u>
Woodgate Dr.	Woodgate Dr.
<u>Direction</u>	<u>Direction</u>
North-south	North-south
<u>Entrance Street</u>	<u>Entrance Street</u>
Barbados Dr.	Barbados Dr.
<u>Traffic Stops</u>	<u>Traffic Stops</u>
Eastbound	West bound
<u>Sign Location</u>	<u>Sign Location</u>
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 take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application.

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

Section 4. Publication.

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

Upon roll call.....

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE

**AYES: 7
NAYES: 0
ABSENT: 0**

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY 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 April 17, 1989, 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 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 April, 1989.

**RICHARD M. MOLESKI
Town Clerk**

PUBLISH: April 20, 1989

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

WHEREAS, this Town Board authorized the advertisement for bids for Police/Dispatch Remodeling which bids were received and opened on April 10, 1989, and

WHEREAS, bids were referred to the Town Engineer and the consulting engineering firm of Trautman Associates for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached, and

WHEREAS, said analysis, tabulation and report recommends that the bids for General Construction Work be awarded to Miller Enterprises, that the bid for Heating and Ventilation Work to be awarded to allied Controls, that the bid for Plumbing Work be awarded to Gross Plumbing & Heating and that the bid for Electrical Work be awarded to Warren's Electric, which bidders submitted the lowest bids meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED that the contract for General Construction Work for the Police/Dispatch Remodeling Project be awarded to:

Miller Enterprises
625 Cornwall Avenue
Tonawanda, New York 14150

835-2398

in the amount of \$37,875.00, said being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED that the contract for Heating and Ventilating Work for the Police/Dispatch Remodeling be awarded to:

Allied Controls
531 Virginia Street
Buffalo, New York 14202

846-4145

in the amount of \$9,975.00, said being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED that the contract for Plumbing Work for the Police/Dispatch Remodeling be awarded to:

Gross Plumbing & Heating
2104 Niagara Street
Niagara Falls, New York 14303

693-6236

in the amount of \$2,740.00, said being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED that the contract for Electrical Work for the Police/Dispatch Remodeling be awarded to:

Warrens' Electric
77 Reading Street
Buffalo, New York 14220

826-2126

in the amount of \$10,799.00, said being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreements with each of said successful bidders, and BE IT FURTHER

Item No. 5a cont'd

RESOLVED that costs for the Police/Dispatch Project shall be charged to Capital Project Account No. 05-8802-3120-0220.

* See next two (2) pages for report, tabulation.

Upon Roll Call....

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

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

April 13, 1989

TO SUPERVISOR SWIATEK
AND HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Police/Dispatch Remodeling

Gentlemen:

Bids were received and opened by Mr. Richard Moleski, Town Clerk, at 11:00 AM on April 10, 1989 for the Police/Dispatch Remodeling Project. Bids were taken under four (4) separate categories as required by New York State Bid Regulations. The bids that were submitted are as follows:

GENERAL CONSTRUCTION

Miller Enterprises	\$37,875.00
Leising Brothers	40,670.00
Wilsandra Construction	47,986.00
Grandview Construction	49,640.00
Everest Inc.	53,116.00
Gerald T. Stay Company	56,600.00
Cloverbank Construction	60,815.00
Hadala Corporation	62,000.00

HEATING & VENTILATION

Allied Controls	\$ 9,975.00
J.G. McGuire	10,162.00
Gross Plumbing & Heating	10,840.00
John Danforth Company	13,930.00
M.J. Mechanical	14,726.00
Vastola Heating	16,635.00

PLUMBING

Gross Plumbing & Heating	\$ 2,740.00
Joseph Carino Plumbing & Heating	3,835.00
Kipphut & Neumann Company	4,375.00
Kandefer	4,695.00
Geo. Sander	5,050.00
Kandey Company	6,050.00

SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

April 13, 1989

RE: Police/Dispatch Remodeling

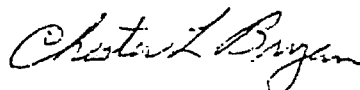
ELECTRICAL

Warren's Electric	\$10,799.00
Weydman Electric	11,970.00
Wittburn Enterprises	12,177.00
Frey Electric	12,324.28

The bids were reviewed by Trautman Associates as to the contractor qualifications, bid tabulations and compliance with the specifications. They had recommended and we agree that the bids for each category should be awarded to the lowest bidders who also complied to all the requirements of the specifications. The total of all of these low bid prices amounts to \$61,152.00 which is substantially lower than was anticipated and reflects the very competitive price that we received. A resolution is being submitted for the coming April 17th Town Board Meeting to award the bids.

Very truly yours,

TOWN OF CHEEKTOWAGA



Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

cc: Chief R. Lis
J. Matecki

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

WHEREAS, bids were received on April 3, 1989 for the application of chemical fertilizers and herbicides, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation, and report is hereto attached and contained in a letter to the Town Board dated April 12, 1989, NOW, THEREFORE, BE IT

RESOLVED that the contract for the application of chemical fertilizers and herbicides for the year of 1989 be awarded to:

Wright Lawn & Tree Care, Inc. (741-3336)
9505 High Street, Clarence Center, New York 14032

at the following total and unit bid prices:

Item 1	\$4,699.30
Item 2	\$3,652.80
Item 3	\$ 829.65
Item 4	\$.00346 per square foot
Item 5	\$.00278 per square foot
Item 6	\$.0031 per square foot
Item 7	\$ 421.00
Item 8	\$ 47.15
Item 9	\$ 256.50
Item 10	\$1,677.70

Total bid for Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 - \$11,584.42

and BE IT FURTHER

RESOLVED that payment for the application of chemical fertilizers and herbicides shall be charged to Account No. 01-8540-0004-4587.

* See next page for letter

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

April 12, 1989

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Award of Bid
Chemical Fertilizers and Herbicides

Gentlemen:

Bids were received and opened on April 3, 1989 for the application of chemical fertilizers and herbicides for the year of 1989. Three (3) sets of specifications were picked up but only one (1) bid was submitted and is as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
Wright Lawn & Tree Care, Inc.	\$ 11,584.42

It is, therefore, recommended that the bid be awarded to Wright Lawn & Tree Care, Inc., 9595 High Street, Clarence Center, New York 14032 for their submission of the lowest bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Edward Lepczyk
Senior Engineer Assistant

EL:mjh

Item No. 6 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga Sewer Maintenance Department desires to purchase one (1) high velocity sewer cleaner to clean sanitary sewers with high pressure water, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of a high velocity sewer cleaner, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on May 8th, 1989 at 11:00 A.M., Daylight Savings 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 Board of the Town of Cheektowaga on May 8, 1989 at 11:00 A.M., Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) High Velocity Sewer Cleaner to clean sanitary sewers with high pressure water for the Town of Cheektowaga, New York.

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: April 17, 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 for¹..... weeks:
first publication..... *4-20-89*..... ;
last publication..... *4-20-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

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

day of *April*....., 19..... *89*

Susan Mulcahy.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19..... *89*

**LEGAL NOTICE
NOTICE TO BIDDERS**
Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 8, 1989 at 11:00 A.M., Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) High Velocity Sewer Cleaner to clean sanitary sewers with high pressure water for the Town of Cheektowaga, New York.
Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town hall.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.
By Order of the Town Board of the Town of Cheektowaga, Erie County, New York
RICHARD M. MOLESKI
Town Clerk
PUBLISH: April 20, 1989

Item No. 7 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 new/renewal license applications for ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the following:

AMBULANCE LICENSES

<u>OWNER</u>	<u>VEHICLE: MAKE & MODEL</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Town's Ambulance	1987 Ford	AA1220	555
Town's Ambulance	1978 Chevrolet	AA3263	559
Town's Ambulance	1980 Ford	AA1201	560
Town's Ambulance	1978 Dodge	AA7888	564
Town's Ambulance	1986 Chevrolet	AA1232	563
Town's Ambulance	1982 Chevrolet	AA1205	561
Town's Ambulance	1985 Chevrolet	AA1202	566
Town's Ambulance	1978 Dodge	AA3264	568
Town's Ambulance	1981 Ford	AA1233	569
Town's Ambulance	1980 Chevrolet	AA3265	567
Town's Ambulance	1981 Chevrolet	AA3261	558
Town's Ambulance	1974 Dodge	AA3262	557
Town's Ambulance	1987 Ford	AA1221	556
Town's Ambulance	1987 Chevrolet Surb.	AA1219	554

(N)* denotes new vehicle (R)* denotes replacement vehicle

and, BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth above, providing such ambulance so listed meets the insurance requirements set forth in the Ambulance Ordinance.

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 Johnson

WHEREAS, as part of the State budget for 1989-90, Governor Cuomo has proposed the imposition of a tax on private landfill operations, and

WHEREAS, bills have been submitted in the State Senate (S-2494) and Assembly (A-3694) to assess such a fee for both incineration and landfill operations, and

WHEREAS, the Town of Cheektowaga has a waste disposal agreement with Occidental Chemical Corporation, whereby Town garbage is incinerated and disposed of in a private landfill, and

WHEREAS, such waste disposal agreement provides for a direct pass through of all environmental costs (including fees proposed by the State) to the Town, and

WHEREAS, it is estimated that the proposed State landfill tax will cost the Town \$4.00-\$5.00 per ton, resulting in an additional cost of hundreds of thousands of dollars, and

Item No. 8a cont'd

WHEREAS, this Town Board feels that the proposed landfill tax is unfair and burdensome to those who need to use the services of a private landfill, and

WHEREAS, the proposed landfill tax would ultimately be assessed against Town taxpayers, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the State Legislature and Governor Cuomo to reject Senate Bill S-2494 and Assembly Bill A-3694 and to otherwise oppose a landfill tax, and BE IT FURTHER

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

Upon Roll Call....

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

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

WHEREAS, Broadway is a State highway which passes through the middle of the Town, and

WHEREAS, the underpass on Broadway just east of Dick Road and the portion of Broadway between Dick Road and Borden Road is in poor condition and Town residents have complained about same, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the New York State Department of Transportation ("DOT") to take all steps necessary to repair the aforementioned portion of Broadway and underpass as soon as possible, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DOT and to State Assemblyman Paul Tokasz and State Senate Dale Volker.

Upon Roll Call....

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

Item No. 9 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated April 3, 1989, this Town Board scheduled a public hearing for April 17, 1989 on the rezoning of 68 Floral Place, and

WHEREAS, the applicant has requested the postponement of such hearing in order to give him time to do more work on such application, NOW, THEREFORE, BE

RESOLVED that the aforementioned resolution dated April 3, 1989 be and hereby is rescinded.

Upon Roll Call....

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

Item No. 10 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, representatives from the New York State Easter Seal Society, Inc. have approached Town Officials regarding the possibility of hosting a softball tournament at Cheektowaga Town Park on June 10, 11, 1989 from 1:00 to 8:00 p.m., and

WHEREAS, over 50 teams are expected to participate in the tournament to aid the Easter Seal Society in its mission to improve the quality of life for children and adults with disabilities, and

WHEREAS, plans for the tournament were reviewed by the Chairman of the Parks and Recreation Committee at a meeting on April 12, 1989, and

WHEREAS, organizers for the event are willing to schedule games at times not to interfere with existing league schedule and will be forwarding required liability policies to the Town of Cheektowaga upon approval, NOW, THEREFORE, BE IT

RESOLVED that the New York Easter Seal Society, Inc. be permitted to reserve the necessary softball diamonds at Town Park for June 10, 11, 1989 and that the ordinary diamond permit fees for the tournament be waived.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga presently has an agreement with the Cheektowaga-Sloan Union Free School District ("School District") for the use of premises known as the Theodore Roosevelt School (the "Property") located at 2495 William Street in the Town for playground and recreational purposes, and

WHEREAS, the Town and the School District wish to terminate the existing agreement and enter into a new agreement for the use of the Property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to terminate the agreement dated September 8, 1980 with the School District, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the School District for use of the property

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN JOHNSON to table the above item.

Item No. 12a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Town's Insurance Consultant has received and evaluated proposals for loss control services related to the Town's Self-Insured Workers Compensation program, and

WHEREAS, the Town has found such services reduce employee injuries and the pain and discomfort to employees from such injuries and the compensation costs to the Town, and

WHEREAS, the Insurance Consultant recommends award of a contract to Joseph J. Naples & Associates, Inc. to provide 100 hours of Loss Control Services (50 hours minimum) at \$35.00 per hour, NOW, THEREFORE, BE IT

NO. 11

Item No. 12a cont'd

RESOLVED that the Joseph J. Naples & Associates, Inc. proposal to provide 100 hours of loss control service in 1989 at \$35.00 per hour for an expected annual cost of \$3,500.00, be and hereby is accepted, and BE IT FURTHER

RESOLVED that the Supervisor be and he hereby is authorized and directed to execute a new Loss Control Service Agreement with Joseph J. Naples & Associates, Inc.; said contract being subject to the approval of the Town Attorney and Town's Insurance Consultant.

* * * * *

MOTION BY SUPERVISOR SWIATEK, 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 Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Town's Insurance Consultant has received and evaluated proposals for loss control services related to the Town's Self-Insured Workers Compensation program, and

WHEREAS, the Town has found such services reduce employee injuries and the pain and discomfort to employees from such injuries and the compensation costs to the Town, and

WHEREAS, the Insurance Consultant recommends award of a contract to Joseph J. Naples & Associates, Inc. to provide 100 hours of Loss Control Services (50 hours minimum) at \$35.00 per hour, NOW, THEREFORE, BE IT

RESOLVED that the Joseph J. Naples & Associates, Inc. proposal to provide 100 hours of loss control service in 1989 at \$35.00 per hour for an expected annual cost of \$3,500.00, Account No. 10-1710-0004-4528, be and hereby is accepted, and BE IT FURTHER

RESOLVED that the Supervisor be and he hereby is authorized and directed to execute a new Loss Control Service Agreement with Joseph J. Naples & Associates, Inc.; said contract being subject to the approval of the Town Attorney and Town's Insurance Consultant.

Upon Roll Call....

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

Item No. 12b Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, pursuant to conditions contained in the Findings Statements for the Walden Galleria shopping center (the "Project"), the Pyramid Company of Buffalo (the "Developer"), as part of and prior to receipt of certificates of occupancy for the Project, is required to install one traffic signal on Galleria Drive; and to conduct traffic analyses and install additional traffic signals on Galleria Drive at Project driveways as required, and

WHEREAS, the Project Findings Statements also require the Developer to execute an agreement providing for the Developer to assume the maintenance costs of the signal(s), and

Item No. 12b cont'd

WHEREAS, the Developer has executed the attached Traffic Signal Agreement, and

WHEREAS, such Traffic Signal Agreement has been reviewed and approved by the Town Attorney, Town Engineer and Traffic Division of the Police Department, and

WHEREAS, such Traffic Signal Agreement is acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Traffic Signal Agreement with the Developer on behalf of the Town of Cheektowaga.

* See next six (6) pages for agreement

Upon Roll Call....

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

TRAFFIC SIGNAL AGREEMENT

This Traffic Signal Agreement is made and entered into this 6th day of April, 1989 by and between the Town of Cheektowaga, New York (the "Town"), and Pyramid Company of Buffalo ("Pyramid").

RECEIVED
1989 APR 19 PM 2:56
TOWN CLERK

W-I-T-N-E-S-S-E-T-H:

WHEREAS, Pyramid is the developer of the Walden Galleria shopping center (the "Project"), which is located north of Walden Avenue and west of Union Road in the Town of Cheektowaga, and

WHEREAS, as part of such Project, Pyramid is required to construct a four-lane highway known as Galleria Drive connecting Union Road (at Postal Drive) with Walden Avenue (at Anderson Road), and

WHEREAS, as part of such Project, Pyramid is also required to install a traffic control signal on Galleria Drive at its intersection with the westerly-most Project driveway, and conduct traffic analyses and install additional traffic signals at Project driveway intersections, as required pursuant to the Findings Statement dated June 13, 1988 for the Project.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the Town and Pyramid agree as follows:

1. Traffic control signal at intersection of Galleria Drive and the westerly-most Project driveway. The Town shall perform or cause to be performed maintenance (including any future modifications and replacements determined necessary by the Town) of the traffic control signal installed by Pyramid at the intersection of Galleria Drive and the westerly-most Project driveway ("Signal No. 1") in compliance with all applicable

laws, ordinances, rules and regulations of the United States, State of New York (including the State Manual of Traffic Control Devices), the County of Erie and the Town of Cheektowaga.

2. Pyramid to conduct traffic analyses at each intersection of Galleria Drive and Project driveways.

a. Pyramid shall for a period of two (2) years commencing on the first anniversary date of the opening of the Project, conduct traffic analyses of each intersection of Galleria Drive and the Project driveways (excluding the westerly-most Project driveway) to determine the necessity of installing traffic control signals at such intersections, all in accordance with New York State Department of Transportation ("NYSDOT") criteria. Pyramid shall reimburse the Town for all costs associated with the Town hiring a traffic consultant to review Pyramid's traffic study or to undertake such a traffic study if Pyramid does not do so.

b. Should the Town, utilizing NYSDOT criteria and the traffic analyses referred to in Paragraph 2.a. of this Traffic Signal Agreement, determine that (a) traffic control signal(s) (is) (are) necessary at any intersection of Galleria Drive and the Project driveways, the Town shall direct Pyramid to and Pyramid shall be required to, at its sole cost and expense, design, furnish and install, prior to the fourth anniversary date of the opening of the Project, those traffic control signal(s) (the "Additional Signals") which the Town so determines necessary. All such traffic control signals and equipment required by the Town shall conform to the applicable standards and specifications of the State Manual of Uniform Traffic Control Devices and the Town, and no such device(s) and equipment shall be used until approved by the Town Engineer. The timing of the traffic control

signals shall be as specified by the Town Engineer. Additionally, all work required to provide for the installation and operation of the traffic signal(s) required by the Town shall be performed under the supervision of the Town Engineer.

c. The Town shall perform or cause to be performed maintenance (including any future modifications and replacements determined necessary by the Town) of the Additional Signals in compliance with all applicable laws, ordinances, rules and regulations of the United States, State of New York (including the State Manual of Uniform Traffic Control Devices), the County of Erie and the Town of Cheektowaga. In the event the performance of the maintenance of Signal No. 1 or the Additional Signals necessitates the parking of vehicles, etc. on Pyramid's property, the Town and its contractors shall have the right to do so; however, such parking of vehicles, etc. shall only be permitted during the actual performance of the maintenance work. The Town shall cause to be repaired any damage done to Pyramid's property resulting from the parking of such maintenance vehicles, etc.

3. Pyramid to reimburse Town for maintenance costs. Pyramid shall reimburse the Town, within thirty (30) days of written demand, accompanied by invoices, by the Town for all expenses incurred by the Town for all materials, equipment, labor and incidentals (including electrical energy) required in the opinion of the Town to ensure the proper functioning of Signal No. 1 and the Additional Signals (hereinafter known as the "Signals").

4. Special Tax District. If the Town so desires, Pyramid shall comply with all requests of the Town in establishing a special tax district, the purpose of which will be to fund the maintenance work called

for under this Traffic Signal Agreement.

5. Notices. Any request, notice, demand or other communication made hereunder from Town to Pyramid shall be addressed as follows:

Pyramid Company of Buffalo
c/o The Clinton Exchange
4 Clinton Square
Syracuse, New York 13202-1078
Att'n: Kenneth D. Cannon

Whiteman, Osterman & Hanna
28 Church Street
Buffalo, New York 14202
Att'n: Alice J. Kryzan

Any request, notice, demand or communication made hereunder from Pyramid to the Town shall be addressed as follows:

Town Hall
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227
Att'n: Town Engineer
Town Attorney
Town Supervisor
Chief of Police

Pyramid and Town respectfully reserve the right to designate other or different addresses for notice to the other.

6. Termination. Except as otherwise stated herein, the terms and obligations of this Traffic Signal Agreement shall remain in effect so long as the Project and the Signals are in existence or until such time as the parties mutually agree to terminate or otherwise modify this Traffic Signal Agreement.


7. Binding. This Traffic Signal Agreement shall be binding upon the successors and assigns of the Town and Pyramid.

8. Waiver; Modification. No provision of this Traffic Signal Agreement shall be deemed to have been waived by either party unless such waiver is in writing signed by the party against whom waiver is alleged. This Traffic Signal Agreement contains the entire agreement between the parties and any executory agreement hereafter made shall be ineffective to change, modify or discharge it unless it is in writing and signed by the parties.


9. Applicable Laws. This Traffic Signal Agreement shall be governed by and be construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper representatives thereunto duly authorized.

TOWN OF CHEEKTOWAGA

By: 
Frank E. Swiatek
Supervisor

PYRAMID COMPANY OF BUFFALO

By: 
Kenneth D. Cannon
Partner

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

On this 18th day of April, 1989, before me personally came Frank E. Swiatek, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, New York; that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in and which executed the within instrument; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this instrument is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.

Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1991

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

On this 6 day of April, 1989, before me personally came Kenneth D. Cannon, to me known, who being by me duly sworn, did depose and say that he is a general partner of Pyramid Company of Buffalo, the general partnership described in, and which executed, the within instrument.

Sandra L. Kaegbein
Notary Public

SANDRA L. KAEGEBEIN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 19, 1989

Item No. 13 Motion by Councilman Kulyk, Seconded by Councilman Johnson

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, 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 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 April 7, 1989, rendered the determinations shown on the attached memo dated April 10, 1989, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the April 10, 1989 memo attached hereto:

- | | |
|-----------|-----------------------|
| Item II | 54 Grunner Road |
| Item III | Transit/Strasmer Road |
| Item VIII | 3637 Union Road |

* * * * *

In the above resolution, Item III, Transit/Strasmer Road, was withdrawn, therefore, the corrected resolution is as follows:

Motion by Councilman Kulyk, Seconded by Councilman Johnson

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, 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 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 April 7, 1989, rendered the determinations shown on the attached memo dated April 10, 1989, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the April 10, 1989 memo attached hereto:

Item No. 13 cont'd

Item II
Item VIII

54 Grunner Road
3637 Union Road

* See next four (4) pages for copy of minutes

Upon Roll Call....

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

RE: EQR - April 7, 1989
April 10, 1989
Page: 2

SHPO or the New York State Office of Parks, Recreation and Historic Preservation have commented directly to the Town of Cheektowaga. They have sent correspondence to the applicant indicating that any undertaking for the property would require consultation with that office and it is the understanding of this committee that there has already been one meeting between the applicant and SHPO to discuss the planned conversion. The New York State Housing Trust Fund Corporation which is involved in the financing of the project, although contacted by this committee, has not replied as of April 7, 1989.

At the meeting, the applicant and the architect indicated that there will be additional handicap parking at the east and west entrances to the building. This project will have only a maximum 75 units as they will be unable to use the basement or third floor for dwellings. The basement will be used for meeting, storage rooms and other building functions. The third floor may be utilized for some storage only.

No members of the public were present to voice any concerns or opinions, pro or con, for the project.

It is the opinion of this committee that Senior Citizens Housing is needed in the Town and that utilizing this site for such a purpose may possibly be the best use for the site. The conditions are as follows:

- ° Planning Board must review the landscaping for the site.
- ° The Engineering Department must approve drainage.
- ° The New York State Historic Preservation office must approve design and remodeling of the building to maintain the historic and architectural quality of the building.

ITEM II 54 Grunner Road Proposed 54x104 Storage Building

Applicant: P & G Steel Products

Determination: Non-Significant With Stipulations

Both the architect and a representative of P & G Steel were present at the meeting. This item had been previously discussed with the committee and additional information was requested.

RE: EQR - April 7, 1989
April 10, 1989
Page: 3

The new plan that was submitted shows additional landscaping at the front of the property and shows drainage for the site. It was the opinion of the committee that this project will have no environmental impact on the area but the conditions are as follows:

- ° Planning Board must approve landscaping for the site.
- ° Town Engineer must approve drainage for the site
- ° The Building Inspector must determine proper drainage for building downspouts.

ITEM III Transit/Strasmer Road - Proposed Office Building
Northwest Corner

Applicant: Harold Weisemore

Determination: Non-Significant With Stipulations

The item had been previously discussed and additional information had been requested. The architect and owner, both present at the meeting, submitted a new plan with additional drainage information and calculations. The plan calls for on-site detention of waters and the owner is willing to cooperate with the Highway Department on piping a portion of Strasmer Road. This piping will be accomplished under the guidance of the Highway Engineer.

The owner has contacted the New York State Department of Transportation and has gotten a preliminary verbal approval on the Transit Road access road but the Town of Cheektowaga Traffic Safety Commission has not yet commented on that access.

This area along Transit Road is zoned for, and has been developing as, offices and retail sales, therefore this proposed use is compatible with existing uses as well as the Town's Master Plan.

The conditions are as follows:

- ° The Traffic Safety Commission must comment on the Transit Road access drive.
- ° The Planning Board must approve landscaping.
- ° The dumpster must be screened from adjacent properties.
- ° The owner must coordinate with the Town Highway Department the piping of Strasmer Road in the vicinity of his property.

RE: EQR - April 7, 1989
April 10, 1989
Page: 7

The agencies have until May 5, 1989 to reply. As of this date, no comments have been received, therefore the committee is tabling this item for comment from these agencies and for the applicant to submit a site plan which will show not only the proposed mobile home park but surrounding uses and the drainage system that now exists. It was also suggested that he include on this new site plan the location of the proposed golf course.

ITEM VII 2501 Broadway - Proposed 56,000 Square
Foot Addition To Allied
Frozen Storage

Applicant: Allied Builder Incorporated

Determination: Tabled

The applicant proposed to add another addition to the Allied Frozen Storage facility. This addition would be located at the south end of the existing building. The plan that was submitted does not accurately reflect the design of the new road that will be installed for the Industrial Park and it was suggested to the applicant that he have the plan modified to show the road, as it will go in with the drainage and to eliminate any open drainage system along that future right-of-way.

The Planning Board has yet to review the landscaping plan and it is a recommendation of this committee that additional plantings and trees be considered for the east property line along the road.

The plan shows a yard hydrant located at the southwest corner of the building. The location of the hydrant would be inaccessible for firefighting apparatus, therefore it was suggested to the applicant he move that hydrant along the new road since it will be a requirement for other buildings to be constructed within the complex.

This item remain tabled until a new site plan is received reflecting some of the recommended changes or additions.

ITEM VIII 3637 Union Road - Proposed Demolition Of
3200 Square Feet Of
Building And Construction
Of 13,345 Square Feet Of
Additions

Applicant: Benderson Development Corporation

RE: EQR - April 7, 1989

April 10, 1989

Page: 8

Determination: Non-Significant With Stipulations
The project as presented by the representative of the Benderson Corporation indicated that they would be demolishing a portion of the building near the City Mattress Store and constructing additions totaling 13,345 square feet. The additions would be for a new tenant that would be going in the space presently occupied by Madd Maxx and an addition alongside City Mattress. The project will also involved removal of the existing facade and constructing of a new facade, the design of which was not available for our review but will be presented to the Planning Board at their April 13, 1989 meeting. In conjunction with the work to be done at the plaza, the service alley that runs to the east and south of the existing buildings will be graded and repaved. The Town Engineer is requesting that the plan be submitted to his office for review and that the entire existing parking lot drainage system be checked by the developer and cleaned were necessary.

The developer indicated that he has signed a tenant that is a restaurant and he was informed that an outside grease trap, properly sized, must be installed for this tenant.

The addition alongside of City Mattress will reduce the amount of access road to the rear for firefighting apparatus, therefore it was suggested that this be sent to the Fire Department for their review and comment.

The proposed remodeling and changes will improve the plaza and does not have an adverse impact to the neighborhood. Conditions are as follows:

- ° The Planning Board must review and approve landscaping.
- ° Outside grease trap installed for the restaurant facility.
- ° The Fire Department notified of the restricted drive to the rear and allowed to comment.

ITEM IX Union Consumer Square - Proposed Construction Of A
220,000 Square Foot Retail
Plaza

Applicant: Benderson Development Corporation

Determination: Tabled

The applicant proposes to construct an L Shaped Strip Plaza on part of the site that is presently occupied by the Holiday Showcase and Holiday Theaters.

Item No. 14 Motion by Supervisor Swiatek, Seconded by Unanimous

WHEREAS, effective April 6, 1989, Chapter 33 of the Laws of 1989 was enacted to amend subdivision 14.a of Section 64 of the Town Law to authorize the Town of Cheektowaga to appropriate up to \$50,000.00 in a given year, subject to permissive referendum, for "publicity fund" purposes, and

WHEREAS, \$45,000.00 was thereafter appropriated by the Budget Director in the 1989 Town budget for the celebration of the Town's Sesquicentennial, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the appropriation of 445,000.00 for celebration of the Town's Sesquicentennial, and BE IT FURTHER

RESOLVED that such appropriation shall be subject to permissive referendum in accordance with Article 7 of the Town Law, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice in the Cheektowaga Times.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that, effective April 6, 1989, moneys in the amount of 445,000.00 were appropriated for publicity fund purposes, namely for celebrating the Town's Sesquicentennial.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

Dated: April 17, 1989

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..... *4/20/89* ;
last publication..... *4/20/89* ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

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

day of *April*....., 19*89*.....

..... *Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

**LEGAL NOTICE
NOTICE OF ADOPTION OF
RESOLUTION
SUBJECT TO PERMISSIVE
REFERENDUM**

NOTICE IS HEREBY GIVEN that, effective April 6, 1989, moneys in the amount of \$45,000.00 were appropriated for publicity fund purposes, namely for celebrating the Town's Sesquicentennial.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

MEETING NO. 10
April 17, 1989

Item No. 15 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Town Board has previously approved a settlement of \$715,000 plus related costs in the Brown-Devlin case, and

WHEREAS, Bond Counsel has approved the borrowing of same from a previously authorized bond resolution of the Sanitary Sewer District No. 5 Service Area, and

WHEREAS, the actual bond borrowing will not take place until the summer of 1989, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Special Sanitary Sewer District No. 5 be authorized to temporarily loan to the Capital Projects (Sanitary Sewer No. 5 Service Area) Fund \$725,000 to be repaid in the summer of 1989 upon the actual bond borrowing.

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 Kazukiewicz

~~BE~~ IT RESOLVED that the following Seasonal and/or Part-Time Employees be and hereby are terminated in the various Departments listed:

	<u>EFFECTIVE</u>
<u>ASSESSOR'S OFFICE</u>	
Jeanette McGuire	4/5/89
<u>POLICE DEPARTMENT</u>	
Kristen Kolbert	4/12/89

Upon Roll Call....

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

Item No. 17 Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, the position of Working Crew Chief (Foreman) - Plumber is now vacant as a result of the retirement of the individual holding such position, and

WHEREAS, it is in the best interest of the Town not to fill such position, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the position of Working Crew Chief (Foreman) - Plumber is hereby abolished.

Upon Roll Call....

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

Item No. 18a Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, there is a need in the Facilities Department for the position of full-time Plumber, and

Item No. 18a

WHEREAS, the creation of such position has been approved by the Erie County Department of Personnel as temporary, pending jurisdictional classification NOW, THEREFORE, BE IT

RESOLVED that such position be posted for a period of ten (10) work days, in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association and that such posting note that the position is temporary, pending jurisdictional classification pursuant to the rules of the Erie County Department of Personnel.

Upon Roll Call....

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

Item No. 18b Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, there is a need in the Facilities Department for the full-time position of Electrician, and

WHEREAS, the creation of said position is pending approval of the Erie County Department of Personnel, NOW, THEREFORE, BE IT

RESOLVED that the position of Electrician be and hereby is created, and BE IT FURTHER

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

Upon Roll Call....

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

Item No. 19 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

WHEREAS, Arlene M. Kubiak was employed by the Town of Cheektowaga as a School Crossing Guard, and

WHEREAS, Arlene M. Kubiak has advised the Town of her desire to resign such position as of March 17, 1989 due to personal reasons, NOW, THEREFORE, BE IT

RESOLVED that the resignation of Arlene M. Kubiak is hereby accepted, retroactive to March 17, 1989.

Upon Roll Call....

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

Item No. 20a Motion by Councilman Johnson, Seconded by Unanimous

WHEREAS, a vacancy exists in the position of Clerk-Stenographer in the Council Office, and

WHEREAS, said position is excluded from any of the bargaining units representing various Town employees, and

Item No. 20a cont'd

WHEREAS, there exists a Civil Service eligible list for such position, which list was duly canvassed, and

WHEREAS, Kathleen C. Orr appears on said Civil Service list and applied for such position, NOW, THEREFORE, BE IT

RESOLVED that Kathleen C. Orr of Depew, New York 14043, be and hereby is appointed to the position of Clerk-Stenographer in the Council Office, effective immediately and at a starting salary of \$18,629.65.

Upon Roll Call....

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

Item No. 20b Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, Stanley Wlos resigned his position as member of the Board of Assessment Review, and

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

WHEREAS, one of the applicants, Andrew H. Schwenk, has the experience and qualifications necessary to serve on the Board of Assessment Review, NOW, THEREFORE, BE IT

RESOLVED that Andrew H. Schwenk, Cheektwoaga, New York 14227 be and hereby is appointed to the Board of Assessment Review, effective immediately and terminating on September 30, 1993, at a salary of \$1,131.00 per year.

Upon Roll Call....

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

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

BE IT RESOLVED that the following individuals be and hereby are hired as part of the summer hiring program in the Facilities Department:

Parks Division - ACCT. #01-7110-0001-1491 at \$4.35 per hour

Robert Nowak
Todd Iozzia
Tyler Westbrook
James Kazmierczak
David Klosko
Paul Owens, Jr.
Frank Lasota
Mark Jakubiak

Upon Roll Call....

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

Item No. 21b Motion by Councilman Jaworowicz, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or part-time employees in the various Departments and at the rates listed:

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT - Part-time - \$5.00 per hour</u>	
James McCloskey	As needed
Steve Caprio	"
Christopher Haberl	"
Raymond Jochum	"
David Montfort	"
Anthony Wdowik	"
Thomas Brudz	"
Gino Fasoli	"

	As needed
<u>TAX OFFICE - Part-time - \$4.75 per hour (Dayshift)</u>	
Joyce McCracken	As needed
Denise Handzlik	As needed

	Immediately
<u>SEWER MAINTENANCE DEPARTMENT - Seasonal - \$4.35 per hour</u>	
Richard Latshaw	Immediately
Raymond Nowak	Immediately

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 Councilman Jaworowicz, seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal and/or part-time employees in the various Departments and at the rates listed:

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT - Part-time - \$5.00 per hour</u>	
James McCloskey	As needed
Steve Caprio	"
Christopher Haberl	"
Raymond Jochum	"
David Montfort	"
Anthony Wdowik	"
Thomas Brudz	"
Gino Fasoli	"
Al Czenszak	"

Item No. 21b cont'd

TAX OFFICE - Part-time - \$4.75 per hour (Dayshift)

Joyce McCracken
Denise Handzlik

As needed
As needed

SEWER MAINTENANCE DEPARTMENT - Seasonal - \$4.35 per hour

Richard Latshaw
Raymond Nowak

Immediately
Immediately

Upon Roll Call....

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

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

WHEREAS, based on a feasibility study conducted by the National Golf Foundation, it was determined that the Town of Cheektowaga should construct a golf course in the area of Rehm Road Park, and

WHEREAS, on August 15, 1988, this Town Board authorized the construction of a Town golf course and the issuance of serial bonds therefor, and

WHEREAS, various golf course architects have been interviewed and have submitted proposals for providing golf course services necessary for the completion of the Town golf course, and

WHEREAS, Can-Am Golf enterprises, Inc. has submitted the attached proposal to perform architectural services from the conceptual design phase through construction and acceptance of a completed golf course, at a cost of \$150,000.00, and

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

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached proposal contract with Can-Am Golf Enterprises, Inc. on behalf of the Town, and BE IT FURTHER

RESOLVED that moneys for such contract shall be paid out of the proceeds from the bonds approved for the construction of a golf course, which moneys have been deposited into Town account line item number 05 7140 8817 0200, as per the payment schedule specified in the attached proposal.

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN GABRYSZAK to amend the above resolution and the voting was as follows:

Upon Roll Call....

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

and the amended resolution is as follows:

Item No. 22 cont'd

Motion by Councilman Gabryszak, seconded by Councilman Johnson

WHEREAS, based on a feasibility study conducted by the National Golf Foundation, it was determined that the Town of Cheektowaga should construct a golf course in the area of Rehm Road Park, and

WHEREAS, on August 15, 1988, this Town Board authorized the construction of a Town golf course and the issuance of serial bonds therefor, and

WHEREAS, various golf course architects have been interviewed and have submitted proposals for providing golf course services necessary for the completion of the Town golf course, and

WHEREAS, Can-Am Golf enterprises, Inc. has submitted the attached proposal to perform architectural services from the conceptual design phase through construction and acceptance of a completed golf course, at a cost of \$150,000.00, and

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

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached proposal contract with Can-Am Golf Enterprises, Inc. on behalf of the Town, and BE IT FURTHER

RESOLVED that moneys for such contract shall be paid out of the proceeds from the bonds approved for the construction of a golf course, which moneys have been deposited into Town account line item number 05 7140 8817 0400, as per the payment schedule specified in the attached proposal.

* See next pages for proposal

Upon Roll Call....

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

Can-Am

PROPOSAL FOR GOLF COURSE ARCHITECTURAL SERVICES

PREPARED FOR: Town of Cheektowaga, New York

DATE: March 20, 1989

The terms of this proposal are valid for a period of 30 days from above date.

Can-Am Golf Enterprises, through the Hurdzan Design Group, is prepared to perform golf course architectural services necessary to the completion of the project known as:

18-Hole Municipal Championship Golf Course, Cheektowaga, N.Y.

It is our understanding that the scope of this project is as follows:

Date for architectural design work to begin:	4-15-89
Date for completion of construction drawings:	8-15-89
Date for beginning of construction:	10-01-89
Date for completion of construction:	10-31-90
Date for golf course to be ready for play:	6-01-91

All golf course architectural services will be supervised by Dr. Michael Hurdzan. In public information or promotional materials referencing this project, it is understood that Dr. Michael Hurdzan will be identified as Golf Course Architect.

In completing the scope of services required by this project, Dr. Hurdzan will be assisted by other professional members of the Hurdzan Design Group, and will from time to time be represented at planning meetings and site visits by other professional members of the Hurdzan Design Group.

The work to be performed by Hurdzan Design Group on this project will be organized into phases, as described below.

Can-Am Golf Enterprises, Inc.
350-2 Commerce Square
Michigan City, Indiana 46360
(219) 874-GOLF FAX (219) 879-5040

1. Conceptual Design Phase. Estimated Time: 45 Days

- a) Hurdzan Design will consult with the owner to determine the parameters of the project and the design concepts to be applied. A written statement summarizing the objectives of the project and the desired design concepts will be prepared for the owner's approval.
- b) Hurdzan Design will prepare one or more schematic design studies, consisting of maps and drawings, illustrating the general layout of the golf course or golf holes encompassed in this project. These maps and drawings will be done on a scale of 1:200 or 1:400 depending on the nature of the project and availability of base map materials.

Hurdzan Design will discuss and review design concepts with the owner, and will prepare as many as five successive sets of design options, until an approved concept has been selected by the owner.

- c) Dr. Michael Hurdzan or an appropriate representative will be available for at least three site visits and/or consultation meetings with the owner during this phase of the project.
- d) When an approved concept has been selected, Hurdzan Design will prepare an estimate of probable construction cost for the project.

2. Preliminary Design Phase. Estimated Time: 45 Days

- a) Hurdzan Design will prepare preliminary design documents based on the conceptual design that has been approved by the owner. The preliminary design documents will represent the next stage of detail in moving from conceptual design to construction drawings. The preliminary design documents will fix and describe all elements of the golf course with respect to location, size and character.
- b) The preliminary design will be executed on a base map at a scale of 1:100. In this design, all elements of the

golf course design will be related, through a series of maps, to topography, soils, vegetative cover and environmental features of the site. In this design, all elements of the golf course also will be related to the overall drainage plan for the site. It is understood that it will be the owner's responsibility to arrange for, and pay for, the preparation of an acceptable drainage plan, and that the consultants preparing this drainage plan will need to coordinate their work with that of the Hurdzan Design Group beginning at the Preliminary Design phase of the project.

- c) If desired by the owner for presentation purposes, a full color rendering of the preliminary design will be prepared at a scale of 1:100, or if preferred, at a scale of 1:200.
- d) The preliminary design will be coordinated with overall site planning to insure effective integration with the owner's overall development objectives.
- e) Dr. Michael Hurdzan or an appropriate representative will be available for at least two site visits and/or consultation meetings with the owner during this phase of the project.
- f) Upon completion of the preliminary design, Hurdzan Design Group will prepare for the owner an updated estimate of total project construction cost.
- g) Information Note: It has been our experience that it generally is necessary for a golf course development project to be taken through the Preliminary Design Phase in order to provide the information and presentation materials necessary for zoning and permit approval.

Therefore, if the owner desires to commit initially only to the golf course architectural services necessary to the permit process, the owner should assume the length of time and necessary fees to complete the Preliminary Design Phase.

3. Construction Documents Phase. Estimated Time: 60 Days

- a) Hurdzan Design Group will prepare, based on the preliminary design, plans, drawings and specifications that set forth in detail the construction requirements for the project. At the completion of this phase, the owner will have all the documentation necessary to bid and manage the construction of all golf course elements included in the project.
- b) Specifically, the construction documents will include the following:
- A staking and clearing plan for the entire golf course project.
 - A grading and drainage plan for each hole, prepared at a scale of 1:50.
 - An irrigation plan for the entire golf course project.
 - A cart path routing and circulation plan for the entire golf course project.
 - A grassing and landscaping plan for the entire golf course project.
 - Detailed construction drawings for each green, bunker and set of tees, prepared at a scale of 1:20.
 - A tee-to-green cross section of each hole showing the details of elevation and elevation change.
 - Bidding information and guidelines, bidding forms, contract and maintenance bond forms, and suggested conditions of contract.
- c) At the owner's option, and for an additional fee of \$500 per hole, Hurdzan Design Group will prepare a landscape architect's rendering showing a representative perspective of each hole. The perspective may be a tee-to-green view; a view from the green looking back to the tee; or a perspective from a vantage point selected to show an

outstanding design element on the hole. Each perspective will be colored and mounted on presentation board. The owner may order renderings for all 18 holes, or renderings for only selected holes.

- d) Two sets of all construction plans and documentation will be provided to the owner. One of these sets will be in reproducible format. If it is desired that the Hurdzan Design Group prepare additional copies of the construction documents, a fixed price for each additional set will be agreed upon prior to the beginning of the construction documents phase of the project.
- e) Upon completion of the construction documents phase, the owner will have all of the information and materials necessary to obtain competitive bids for the construction of the project, or to actually begin construction of the golf course, with the exceptions described in point (f) below.
- f) Project elements that will not be included in construction documents are the following:
 - Site plans or building plans for the golf course clubhouse.
 - Site plans or building plans for maintenance or cart storage buildings, or for golf course shelters.
 - Site plans or structural plans for a pump station house.
 - Engineering plans for cart paths, roadways or parking lots.
 - Plans for utility services, wastewater treatment or lighting

The Hurdzan Design Group or Can-Am Golf Enterprises is capable of providing planning and design services for all of the above elements as additional services. However, under the scope of this proposal, it would be the owner's

responsibility to obtain necessary planning, design and engineering services for these elements of the project.

- g) Upon completion of the construction documents phase, a detailed construction estimate will be prepared for the owner. This estimate will be based on actual calculations of cuts and fills dictated by the golf course design documents, and actual quantification of other golf course elements such as bulkheading, bridges, bunker sand, sod, etc.

This final estimate of the construction cost should serve as a budget to guide the owner in the evaluation of bids or in the management of the construction phase.

4. Construction Bidding Phase. Estimated Time: 45 Days

- a) Dr. Michael Hurdzan or an appropriate representative will be available to assist the owner in identifying qualified contractors, providing contractors with information about the project, and evaluating bids.
- b) It is understood that Dr. Hurdzan or an appropriate representative will be available to participate in pre-bid site meetings with interested contractors, if desired by the owner.

5. Construction Administration Phase. Estimated Time: 240 Days

- a) The Construction Contract Administration Phase will commence with the award of the Construction Contract followed by a pre-construction meeting with the Contractor and will terminate when the final Application For Payment releasing the retainage for the Construction Contract is approved.
- b) Dr. Hurdzan or an appropriate representative will attend the pre-construction meeting with the Contractor and Owner representative and outline all phases of construction for the project.

- c) Hurdzan Design Group will arrange for periodic meetings with the Owner to review work in progress or to resolve problems promptly as they occur. Hurdzan Design Group will at all times have access to the project site while construction is in progress.

Dr. Hurdzan or an appropriate representative will make at least one visit a month, during the period of active construction, to the site to review the progress and quality of work carried out by the contractor and to determine in general if the work is proceeding in accordance with the contract documents. If Hurdzan Design Group becomes aware of any fault or defect, we will give prompt notice to the Owner, followed by written documentation regarding such notice.

- d) Dr. Hurdzan or an appropriate representative will assist the owner in resolving all field, construction, and engineering problems which occur during construction.
- e) Dr. Hurdzan will be the interpreter of the requirements of the construction contract documents and the impartial judge of performance by the Contractor. Dr. Hurdzan will make recommendations on all claims of the owner or contractor relating to the execution and progress of the work.
- f) Dr. Hurdzan or an appropriate representative will review and approve shop drawings, samples, and other submissions of the contractor for conformance with the design concept of the project, and for compliance with information given in the contract documents.
- g) Dr. Hurdzan will participate in the semi-final inspection when the contractor completes all phases of work, and will prepare a punchlist of all corrective items which must be addressed by the contractor. Owner representatives will have input to the punchlist.

Dr. Hurdzan or an appropriate representative will conduct the final inspection after all punchlist items have been addressed by the contractor. If at this time any additional corrective items are found, or if any punch-

list items have been addressed unsatisfactorily, Hurdzan Design Group will notify the contractor and owner of such deficiencies. When the project is found satisfactory and in accordance with the contract documents by both Hurdzan Design Group and the Owner, we will issue a written notice of acceptance to the Owner.

- h) Upon satisfactory completion of the construction contract, and close-out of work pertaining to this project, the final fee will be paid to Hurdzan Design Group.

6. Site Visits

During the course of work called for under this proposal, Hurdzan Design Group will be available for as many as 30 site visits and/or consultation meetings with the owner.

7. Project Representation Beyond Basic Services

- a) If more extensive representation at the site is desired than is described under the contract Administration Phase, and if the owner agrees, the Hurdzan Design Group will provide one or more full-time project representatives to supervise the project as representatives of the owner.

Such full-time Project Representatives shall be selected, employed and directed by Hurdzan Design Group, which will be compensated as mutually agreed between the owner and Hurdzan Design Group.

8. Fees, Expenses and Payment

- a) The total fee for the provision of golf course architectural services as described in this proposal will be \$150,000.

The payment of this fee will be according to the following schedule:

- 6 % or \$9,000 at the time this proposal is accepted and Hurdzan Design Group is authorized to begin work (Immediate)
- 6 % or \$9,000 upon the completion of the Conceptual Design Phase (30 Days from start of project)

- 20 % or \$30,000 upon the completion of the Preliminary Design Phase (60 Days from start of project)
- 40 % or \$60,000 upon completion of the Construction Documents Phase (120 Days from start of project)
- 6 % or \$9,000 upon completion of the Construction Bidding Phase (165 Days from start of project)
- 22 % or \$33,000 upon completion of construction and notice of acceptance of the contracted work (405 Days from start of project)

- b) Hurdzan Design Group acknowledges that allowable expenses are included in the total fee for the provision of golf course architectural services in paragraph 7.c) of this proposal, and that the owner will not be responsible for any additional costs for such allowable expenses.

Allowable expenses include the following:

- Travel and lodging expenses. Hurdzan Design Group personnel fly coach status and stay at medium priced lodging facilities while traveling on client business.
- Reproduction expense for plans and materials beyond those included in the scope of services as outlined in this proposal.
- Out-of-pocket expense for telephone calls, shipping and mailing necessary to the completion of the project.

- c) Payment of all invoices for fees and expenses is expected within 30 days of the date of issue. Invoices that are not paid within 60 days of issuance may be subject to an

additional carrying charge of 1.5% per month on the unpaid balance. Failure on the part of the owner to pay invoices within 60 days may cause Hurdzan Design Group to stop work on this project and to withhold all work products not previously delivered.

9. Termination; Notice

In the event the owner is unable to procure the necessary funding or land needed to construct the golf course, the owner shall have the right to terminate this agreement upon giving written notice to Hurdzan Design Group. Effective upon the receipt of such termination notice by Hurdzan Design Group, the owner's obligation to pay fees and expenses to Hurdzan Design Group shall cease and any fees or expenses paid by the owner to Hurdzan Design Group above and beyond the services provided by Hurdzan Design Group shall be returned to the owner within 30 days of the date of receipt of such notice of termination.

10. Insurance

Can-Am Golf Enterprises and Hurdzan Design Group will provide, if requested, a certificate of insurance outlining coverages at the following levels:

- General Liability: \$1,000,000 single limit bodily injury per occurrence; \$500,000 property damage
- Professional Liability-Architect: \$1,000,000 limit

11. Acceptance

To authorize the Hurdzan Design Group, as a division of Can-Am Golf Enterprises, to begin work on this project, the owner should sign this proposal in the space provided below. The signed copy of this proposal should be returned to Can-Am Golf Enterprises, Inc. accompanied by a check for \$9,000, representing the initial commitment fee of 6% of the total proposed project fee. The check should be payable to Can-Am Golf Enterprises, Inc.

The commitment fee is refundable if the owner for some reason elects not to proceed with this project with Hurdzan Design Group. In determining the amount of the fee to be refunded, Hurdzan Design Group will deduct the fair value of any services or expenses incurred prior to receiving notice from the owner that the project will not proceed.

12. Contract

For purposes of Hurdzan Design Group, acceptance of this proposal by the owner is sufficient authorization to begin work. Within 15 days of the acceptance of this

proposal by the owner, a full contract document expressing the same terms and conditions as this proposal will be prepared.

Proposal Submitted by
Can-Am Golf Enterprises, Inc.




Michael C. Rippey, President

Date: 5-7-89

Proposal Accepted By:

Town of Cheektowaga
Owner



Authorized Signature

Frank E. Swiatek
Name

Date: 4-17-89

MEETING NO. 10
April 17, 1989

Item No. 23 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the rate of pay for the following Seasonal Employees be adjusted to \$4.35 per hour, retroactive to April 4, 1989:

SEWER DEPARTMENT

John Bobeck
Kimberly Burst
William Chruscicki
Leo Dominczak
James Ferdinand
Dean Sarago

MAIN PUMP STATION

Norman Anderson
John Johnson
Chester Kensy
Leroy Linkner

Upon Roll Call....

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

Item No. 24 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the Town is hiring Public Safety Dispatchers, and

WHEREAS, the Town, pursuant to previous agreement with the various fire districts in the Town, has agreed to the currently employed fire dispatchers becoming Town employees, and

WHEREAS, the Cheektowaga Public Safety Dispatchers Association has petitioned the Town for voluntary recognition as the sole and exclusive bargaining agent for all public safety dispatchers employed by the Town, and

WHEREAS, the Town is willing to extend such recognition, pursuant to the provisions of the Civil Service Law of the State, NOW, THEREFORE, BE IT

RESOLVED that the Town recognize the Cheektowaga Public Safety Dispatchers Association as the sole and exclusive bargaining agent for all public safety dispatchers employed by the Town, pursuant to the Civil Service Law of the State.

Upon Roll Call....

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

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

BE IT RESOLVED that Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau, be granted a leave of absence from June 22, 1989 through July 7, 1989 to attend annual reserve training with the United States Army Reserve at Annville, Pennsylvania.

Upon Roll Call....

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

Item No. 26a Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga is actively pursuing the recycling of our garbage, and

Item No. 26a cont'd

WHEREAS, the Cornell Waste Management Institute is sponsoring a workshop entitled "Reducing the Waste System: Making Recycling Work" at Cornell University, Ithaca, New York from May 31 - June 2, 1989, and

WHEREAS, such workshop is designed to enable recycling practitioners to plan and implement recycling programs, and

WHEREAS, the General Foreman of the Sanitation Department has requested permission for one of his department's employees to attend this workshop, NOW, THEREFORE, BE IT

RESOLVED that David J. Kulik be and hereby is authorized to attend the aforementioned workshop, and BE IT FURTHER

RESOLVED that the Town shall pay costs not to exceed \$450.00 for tuition fee, transportation, lodging and meals for such workshop, such costs to be paid out of Town budget line item number 01-1910-0004-4082 and BE IT FURTHER

RESOLVED that Mr. Kulik shall be authorized to use a Town vehicle to travel to and from such workshop

Upon Roll Call....

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

Item No. 26b Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, by resolution dated April 3, 1989, this Town Board authorized Youth Bureau Program Coordinator Patricia Staniaszek to attend a seminar entitled "Rails-to-Trails" in Albany, New York on April 25, 1989, and

WHEREAS, the Director of the Youth Bureau has requested that Robert Off, Conservation Program Coordinator, be authorized to attend such seminar in lieu of Patricia Staniaszek, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated April 3, 1989 be and hereby is amended by authorizing Robert Off to attend the "Rails-to-Trails seminar in lieu of Patricia Staniaszek, and BE IT FURTHER

RESOLVED that the Town shall assume reasonable costs not to exceed \$450.00 for Mr. Off's attendance at such seminar.

* * * * *

MOTION BY COUNCILMAN JOHNSON, 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 Councilman Johnson, seconded by Councilman Kulyk

WHEREAS, by resolution dated April 3, 1989, this Town Board authorized Youth Bureau Program Coordinator Patricia Staniaszek to attend a seminar entitled "Rails-to-Trails" in Albany, New York on April 25, 1989, and

Item No. 26b cont'd

WHEREAS, the Director of the Youth Bureau has requested that Robert Off, Conservation Program Coordinator, be authorized to attend such seminar in lieu of Patricia Staniaszek, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned resolution dated April 3, 1989 be and hereby is amended by authorizing Robert Off to attend the "Rails-to-Trails seminar in lieu of Patricia Staniaszek, and BE IT FURTHER

RESOLVED that the Town shall assume reasonable costs not to exceed \$365.00 from Account No. 01-1910-0004-4082 for Mr. Off's attendance at such seminar.

Upon Roll Call....

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

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

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

GENERAL FUND

FROM:	1910-04-4711 (Contingency)	\$10,563.12
	7310-04-4683 (Publications, Printing-Youth Bur.)	400.00
	7310-04-4685 (Dio. of Buffalo - Youth)	18.00
	7310-04-4694 (Cath. Charities-Job Service)	4,273.00
	7310-04-4689 (Cheek. Cons. Corps)	400.00
TO:	1220-04-4010 (Disaster Preparedness)	\$10,563.12
	7310-04-4061 (Publications & Dues - Youth)	400.00
	7310-04-4677 (Cath. Charities-School Interven.)	18.00
	7310-04-4677 (Cath. Charities-School Interven.)	4,273.00
	7310-02-2501 (Other Equipment)	400.00

AMENDMENT #1

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN JAWOROWICZ to amend the above resolution to include additional transfers and the voting was as follows:

Upon Roll Call....

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

AMENDMENT #2

MOTION BY COUNCILMAN JAWOROWICZ, SECONDED BY SUPERVISOR SWIATEK to amend the above resolution to dispense with the reading of the figures.

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:

NO. 11

MEETING NO. 10
April 17, 1989

Item No. 27 cont'd

GENERAL FUND

FROM:	1910-04-4711 (Contingency)	\$10,563.12
	7310-04-4683 (Publications, Printing-Youth Bur.)	400.00
	7310-04-4685 (Dio. of Buffalo - Youth)	18.00
	7310-04-4694 (Cath. Charities-Job Service)	4,273.00
	7310-04-4689 (Cheek. Cons. Corps)	400.00
	0551-00-0000 (Appropriated Reserves)	15,567.25
	2625-00-0000 (Crime Forfeitures)	7,738.75
	1910-04-4711 (Contingency)	61,389.00
TO:	1220-04-4010 (Disaster Preparedness)	\$10,563.12
	7310-04-4061 (Publications & Dues - Youth)	400.00
	7310-04-4677 (Cath. Charities-School Interven.)	18.00
	7310-04-4677 (Cath. Charities-School Interven.)	4,273.00
	7310-02-2501 (Other Equipment)	400.00
	3120-02-2303 (Police Vehicles)	11,499.00
	3120-02-2210 (Computer Equipment)	8,128.00
	3120-04-4092 (Crime Forfeitures)	3,679.00
	9950-08-1989 (Transfer to Capital)	61,389.00

CAPITAL FUND

FROM:	5031-00-0000 (Interfund Transfer In)	\$61,389.00
TO:	8802-3120-1100 (Police Department-Dispatch Room)	\$61,389.00

Upon Roll Call....

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

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

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to April 17, 1989 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$105,076.67
HIGHWAY FUND	36,442.77
CAPITAL FUND	97,804.40
TRUST & AGENCY FUND	1,873.13
HUD FUND	2,485.99
PART TOWN FUND	994.84
RISK RETENTION FUND	28,378.88
HUD REHAB. FUND	1,435.00
SPECIAL DISTRICT FUND	54,162.40
	<u>\$328,654.08</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 29 Supervisor's Statement of Funds - January and February Received and Filed.

Item No. 30 Cheektowaga Planning Board - Minutes of March
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 31 Notice of Claim - Aetna Casualty 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.

V. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak
to suspend the rules to include the following three (3) items.

Upon Roll Call....

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

Item No. 32 Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, State Assemblyman Paul Tokasz has proposed introducing a
bill in the State Legislature to increase penalties for cemetery vandalism, and

WHEREAS, such bill would triple the monetary penalties for those
convicted of cemetery vandalism, and

WHEREAS, there are numerous cemeteries in the Town of Cheektowaga
and vandalism of such cemeteries is a continuous problem, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby supports the cemetery vandalism
bill being proposed by Assemblyman Tokasz, and BE IT FURTHER

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

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 Solecki

WHEREAS, the Town of Cheektowaga has made application and requested
the rezoning of property located at 3412 Broadway from M2-Light Manufacturing
District to CM-General Commercial District, with the permission of the owner of the
property, namely Mary Legierski, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under
the provisions of the Zoning Ordinance on May 1, 1989 at 6:30 P.M., Eastern Daylight
Saving 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

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*1*..... weeks:
first publication.....*4/20/89*.....;
last publication.....*4/20/89*.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

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

day of*April*....., 19.....*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19.....*89*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 1ST day of MAY, 1989 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of TOWN OF CHEEKTOWAGA to Rezone from M2-General Manufacturing District to CM-General Commercial District on property located at 3412 BROADWAY and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

RICHARD M. MOLESKI

Town Clerk

PUBLISH: April 20, 1989

All that tract or parcel of land situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number ten (10), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the northeast corner of James Warner's home lot now owned by the Church Home of the Evangelical Churches of Buffalo and its vicinity lying on the Ellicott or Batavia Road; thence easterly along said Batavia Road 142 feet; thence southerly 207.73 feet to the north line of the Buffalo & Lancaster Road now called Broadway at a point 162 feet east of said Church Home lands; thence westerly along the north line of said Broadway 162 feet to the easterly line of said Church Home lands; thence northerly along the easterly line of the Church Home lands 186.57 feet more or less to the place of beginning.

YHAG IU 1 WABU2
MAY 19 1989
TOWN OF CHEEKTOWAGA
CLERK'S OFFICE

MEETING NO. 10
April 17, 1989

Item No. 34 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Senior Citizens Center has been experiencing problems with an unbalanced heat distribution system throughout the facility which defects have created an uncomfortable climate at various parts of the building with a request from the administrators and users of this facility for relief, and

WHEREAS, the Town Engineer has sought the services of consulting engineers having a specialty in the heating and ventilating field and has made a recommendation that this Town Board avails itself of such expertise in resolving said heating problem, NOW, THEREFORE, BE IT

RESOLVED that the proposal, as submitted to the Town Engineer by Babinsky-Klein Engineers, P.C. in their letter of April 4, 1989, be and hereby is approved and accepted, and BE IT FURTHER

RESOLVED that the cost of professional engineering services in the amount of \$1,600.00 shall be chargeable to Account No. 05-7620-8811-1104.

Upon Roll Call....

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

Item No. 35 Motion by Councilman Kazukiewicz, Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

SPECIAL MEETING NO. 4
January 23, 1989

Item No. 2a cont'd

Upon Roll Call....

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

Item No. 2b Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, the Pyramid Company of Buffalo (the "Owner") is the developer of the Walden Galleria (the "Project") in the Town of Cheektowaga, New York (the "Town"), and

WHEREAS, the U-Crest Diversion Ditch (the "Ditch") is located on the Project development site, and

WHEREAS, the Town has agreed to inspect and maintain the Ditch throughout the Project development site at Owner's expense, and

WHEREAS, the Town is desirous of obtaining an easement to inspect and maintain the Ditch on the real property of the Owner, and Owner has agreed to grant such easement, and

WHEREAS, the Town Attorney, and the Town Engineer and Town Superintendent of Highways have reviewed such easement and find same acceptable as to form, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the attached easement from the Owner, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute such easement, 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 twelve (12) pages for easement

Upon Roll Call....

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

FILED

1989 JAN 27 AM 10 49

ERIE COUNTY
CLERK'S OFFICE

Box 480

U-CREST DIVERSION DITCH EASEMENT

PYRAMID COMPANY OF BUFFALO

to

TOWN OF CHEEKTOWAGA, NEW YORK

Dated: January 20, 1989

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1989 FEB -3 AM 10 14
CHEEKTOWAGA
TOWN CLERK

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Lib. *9977* Page *594*
of *Doc 5*
on the *27* day of *Jan*
A.D., 19 *89* at *10:49* o'clock *A*.M.
and examined.

David J. Swartz
CLERK

chg F 28031
7-4100-20

11009977P 594

Box 480

U-CREST DIVERSION DITCH EASEMENT

THIS INDENTURE, made and entered into this 21st day of January 1989, by and between PYRAMID COMPANY OF BUFFALO, a general partnership organized under the laws of the State of New York, with its principal office and place of business located at 4 Clinton Square, Syracuse, New York (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"), and

WHEREAS, Owner owns certain real property in the Town of Cheektowaga, New York, described at Exhibit "A" which is annexed hereto and made a part hereof, on which Owner is developing a regional shopping center known as the Walden Galleria (hereinafter referred to as the "Project"); and

WHEREAS, Owner has proposed the construction of a multi-plate arch enclosure of the U-Crest Diversion Ditch (the "Ditch Enclosure") for a distance of approximately 1,500 feet through the Project site as reflected on Exhibit "B" annexed hereto and made a part hereof; and

WHEREAS, the Town intends to perform or cause to be performed inspection and maintenance work in the Ditch Enclosure on the property of Owner and therefore the Town is desirous of obtaining easement rights to facilitate the performance of such work,

NOW THEREFORE WITNESSETH:

THAT the Owner, in consideration of the sum of One Dollar (\$1.00) and no more and other good and valuable consideration paid by the Town, does hereby grant and release unto the Town on the terms and subject to the conditions hereinafter set forth, a permanent right-of-way and easement for the purposes of:

- (i) regular inspection of the Ditch Enclosure including the inlet and outlet structures in order to inspect same for the accumulation of sediments or debris or other circumstances which may impede water flow, and the performance of maintenance of pest control; and
 - (ii) removal or correction of any such water flow impediment from the Ditch Enclosure, inlet and outlet structures.
- (purposes (i) and (ii) above being hereinafter referred to as the "Work").

The Easement Area is defined as that fifty foot wide area representing twenty five feet on either side of the center line of U-Crest Diversion Ditch as the Ditch is present on the Project site as of the date hereof.

TOGETHER with the grant to the Town, its agents, contractors, and employees, of the right to enter Owner's property, as described at Exhibit "A", and gain access to the Easement Area via the proposed Access Roads which will be constructed generally in the locations shown on Exhibits "C" and "D" (however, it is acknowledged by the parties that Owner has not yet obtained the permission of one land owner over whose land the proposed U-Crest Ditch Access No. 2 crosses; Owner will use best efforts to obtain the necessary permission), annexed hereto and made a part hereof (field conditions will dictate the final configuration and exact location of the Access Roads). Nothing herein shall be

U009977P 595

deemed to grant to the Town a right of access to the Easement Area through any buildings of the Owner, its successors or assigns.

RESERVING, to Owner, its successors and assigns, the right to build, rebuild, restore, renovate or otherwise affect the improvements located over and within the Easement Area.

Nothing herein contained shall be deemed to convey any rights to modify, alter or change any improvements within the Easement Area constructed by Owner, its successors or assigns.

Owner expressly reserves the right to grant easements to others in or crossing through the Easement Area, so long as said uses do not interfere with the performance of the Work as defined herein.

The rights and easements are herein granted to the Town upon the express understanding that if, in entering the Easement Area for any purpose, any damage is done by the contractors or subcontractors of the Town, to landscaped areas, paved areas or other real or personal property located on Owner's lands, then the responsible contractors or subcontractors of the Town shall, at the their own cost and expense, promptly repair any and all such damage as necessary to substantially restore the affected area to the condition which existed immediately prior to the commencement of the activities that resulted in such damage. The contractors or subcontractors of the Town shall be responsible for all damage and consequences caused by their negligence during the performance of the Work.

The rights and easements herein granted to the Town are subject to the following specific conditions:

- (a) the Work must be promptly completed and performed; and
- (b) the Town shall require any contractor performing any part of the Work to maintain adequate liability and workers' compensation insurance.

Prior to the commencement of the Work, the Town shall notify the Walden Galleria Mall Manager employed by Owner for the purpose of coordinating security measures for the area beneath the Ditch Enclosure.

It is specifically understood and agreed that nothing contained herein shall be construed so as to prohibit Owner from having the right to fully use and enjoy the Easement Area so long as such use and enjoyment does not impair the rights granted under this Easement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper representatives thereunto duly authorized.

TOWN OF CHEEKTOWAGA

By: [Signature]

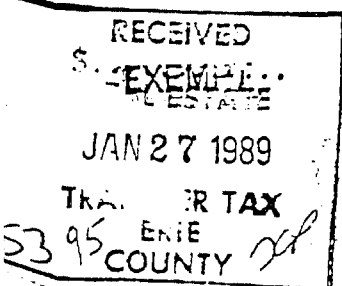
Town Supervisor

PYRAMID COMPANY OF BUFFALO

By: [Signature]

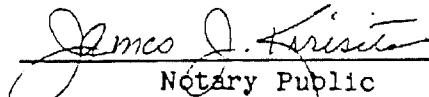
Kenneth D. Cannon, Partner

11009977P 596



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

On this 23rd day of January, 1989, before me personally came Frank E. Swiatek, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, New York, that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in and which executed the within instrument; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this instrument is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.

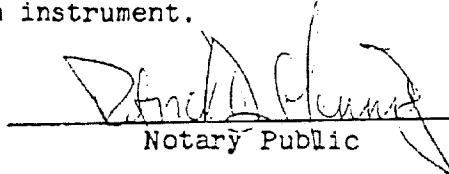


Notary Public

JAMES J. KIRSITS
Notary Public, State of New York
Qualified in Erie County
My Comm. Expires Nov. 30, 1990

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

On this 10 day of January, 1989, before me personally came Kenneth D. Cannon, to me known, who being by me duly sworn, did depose and say that he is a General Partner of Pyramid Company of Buffalo, the general partnership described in, and which executed, the within instrument.



Notary Public

PATRICK D. HENNIGAN
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 20, 1990

11009977P 597

EXHIBIT A

PERIMETER BOUNDARY DESCRIPTION
OF LANDS EAST OF THRUWAY
PYRAMID COMPANY OF BUFFALO
(WALDEN GALLERIA)

Being all that tract or parcel of land located on the north side of Walden Avenue, west of Union Road in the Town of Cheektowaga, County of Erie, State of New York and being part of Lots 16 and 17, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at the intersection of the east line of the New York State Thruway (Parcel 28, Map 28, R-3) with the southerly line of lands now or formerly owned by the Consolidated Rail Corporation (formerly West Shore Railroad); thence northeast along the southerly line of the railroad one thousand five hundred twenty-four and seventy-three hundredths feet (1524.73') to the south line of lands conveyed to New York State Electric and Gas Corporation by Liber 5258 of Deeds at Page 511; thence east at an included angle with the last described line of $150^{\circ}11'04''$ one thousand twenty-six and forty hundredths feet (1026.40') to the northwest corner of lands conveyed to Westinghouse Electric Corporation by Liber 9356 of Deeds at Page 170; thence south at an included angle with the last described line of $90^{\circ}21'18''$ and along the west line of said lands three hundred fifty and thirty-one hundredths feet (350.31') to the north line of Postal Drive; thence west along the north line of Postal Drive and at an included angle with the last described line of $90^{\circ}0'$ three hundred one and three hundredths feet (301.03'); thence south at right

U009977P 598

angles to the last described line eighty and no tenths feet (80.0') to the south line of Postal Drive, which point is also the northwest corner of lands conveyed to the United States Postal Service by Liber 9081 of Deeds at Page 151; thence south at an included angle with the last described line of $178^{\circ}39'05''$ and along the west line of said lands three hundred ninety-four and seventy-nine hundredths feet (394.79') to the north line of lands conveyed to Foremost McKesson, Inc. by Liber 7381 of Deeds at Page 77; thence northwest at an included angle with the last described line of $81^{\circ}26'13''$ one hundred seven and sixty-one hundredths feet (107.61'); thence south at an angle with the last described line measured from the east to the south of $80^{\circ}21'48''$ two hundred seventy-nine and eighty-six hundredths feet (279.86'); thence southwest at an included angle with the last described line of $152^{\circ}11'29''$ eighty-three and sixty hundredths feet (83.60') to the north right of way line of McKesson Drive; thence west at an included angle with the last described line of $126^{\circ}44'06''$ and along the north right of way line of McKesson Drive one hundred fifty and no hundredths feet (150.00'); thence north at right angles to the last described line three hundred twenty and no tenths feet (320.0'); thence west at right angles with the last described line sixty and no tenths feet (60.0'); thence south at right angles with the last described line five hundred thirty-three and one hundred nine thousandths feet (533.109') to the north line of lands of the Cheektowaga Central School District; thence northwest at an included angle with the last described line of $72^{\circ}16'43''$ and along the north line of said lands two hundred fifty-five and twenty hundredths feet (255.20') to the northeast corner of lands conveyed to Pyramid Company of Buffalo by Cheektowaga Central School District by Liber 9765 of Deeds at Page 431; thence south at an angle with the last described line measured from the southeast to the south of $72^{\circ}16'43''$ and along said line one thousand eighty and twenty-eight

U009977P 599

PERIMETER BOUNDARY DESCRIPTION (CON'T)

3

hundredths feet (1080.28'); thence east at an angle with the last described line measured from the north to the east of $89^{\circ}07'$ four hundred and one hundredths feet (400.01'); thence south at an included angle with the last described line of $89^{\circ}07'$ eight hundred fifty-five and fifty hundredths feet (855.50') to the northerly right of way line of Walden Avenue, said point being the southeast corner of lands conveyed by the Cheektowaga Central School District to Pyramid Company of Buffalo by Liber 9765 of Deeds at Page 431; thence northwest along the northerly line of Walden Avenue and at an included angle with the last described line of $65^{\circ}24'36''$ ninety-three and forty-eight hundredths feet (93.48'); thence north at a deflection to the right of $65^{\circ}24'36''$ two hundred twenty-nine and sixty-one hundredths feet (229.61'); thence northeast at a deflection to the right of $15^{\circ}00'$ fifty-seven and ninety-six hundredths feet (57.96'); thence north at a deflection to the left of $15^{\circ}00'$ three hundred seventy and no hundredths feet (370.00'); thence northwest at a deflection to the left of $41^{\circ}52'02''$ seventy-nine and thirty-eight hundredths feet (79.38'); thence west at an angle with the last described line measured from the southeast to the west of $130^{\circ}59'02''$ four hundred five and seventy-three hundredths feet (405.73'); thence southwest at a deflection to the left of $37^{\circ}14'22''$ two hundred forty-seven and eighty-four hundredths feet (247.84') thence south at a deflection to the left of $51^{\circ}52'38''$ one hundred eighty-seven and thirty-seven hundredths feet (187.37') to the northeast corner of lands conveyed to Cheektowaga Holding Corporation by Liber 7242 of Deeds at Page 246; thence northwest at an included angle with the last described line of $78^{\circ}01'11''$ one hundred twenty-eight and thirty-seven hundredths feet (128.37'); thence southwest at an angle with the last described line measured from the east to the southwest of $131^{\circ}48'58''$ sixty-four and sixty-seven hundredths feet (64.67'); thence southerly at an angle

11009977P 600

PERIMETER BOUNDARY DESCRIPTION (CON'T)

4

with the last described line measured from the northeast to the south of $138^{\circ}11'02''$ fifty and no tenths feet (50.0') to the northerly right of way line of Walden Avenue, said point being the southwest corner of lands conveyed by Liber 7242 of Deeds at Page 246; thence westerly along the northerly right of way line of Walden Avenue and at right angles to the last described line thirty-two and twenty-one hundredths feet (32.21'); thence westerly along the northerly right of way line of Walden Avenue and at an included angle with the last described line of $187^{\circ}17'07''$ three hundred thirteen and twenty-six hundredths feet (313.26') to the intersection of the northerly right of way line of Walden Avenue (Parcel 79, Map 79, R-2) and the easterly line of the New York State Thruway (Parcel 77, Map 77, R-3); thence northwest along the easterly line of the New York State Thruway and at an included angle with the last described line of $128^{\circ}44'22''$ one hundred thirteen and three hundredths feet (113.03'); thence north at an included angle with the last described line of $151^{\circ}25'11''$ one hundred seventy-two and twenty-three hundredths feet (172.23') to a point of curve; thence northwest along a curve to the left having a radius of four hundred fifty feet (450') and a central angle of $31^{\circ}18'46''$ two hundred forty-five and ninety-three feet (245.93') to a point of tangency; thence northwest tangent to the last described curve two hundred fifty-four and fourteen hundredths feet (254.14'); thence northwest along the easterly line of the New York State Thruway and at an included angle with the last described line of $173^{\circ}33'12''$ four hundred twenty-three and fifty hundredths feet (423.50'); thence north along the easterly line of the New York State Thruway and at an included angle of $155^{\circ}14'24''$ two hundred one and fifty-six hundredths feet (201.56'); thence north along the east line of the New York

11005577P 601

PERIMETER BOUNDARY DESCRIPTION (CON'T)

5

State Thruway and at an included angle with the last described line of $172^{\circ}52'30''$ seven hundred eighty-eight and thirty-two hundredths feet (788.32') to the point of beginning and forming an included angle with the first described line of $122^{\circ}13'00''$.

11009977P 602

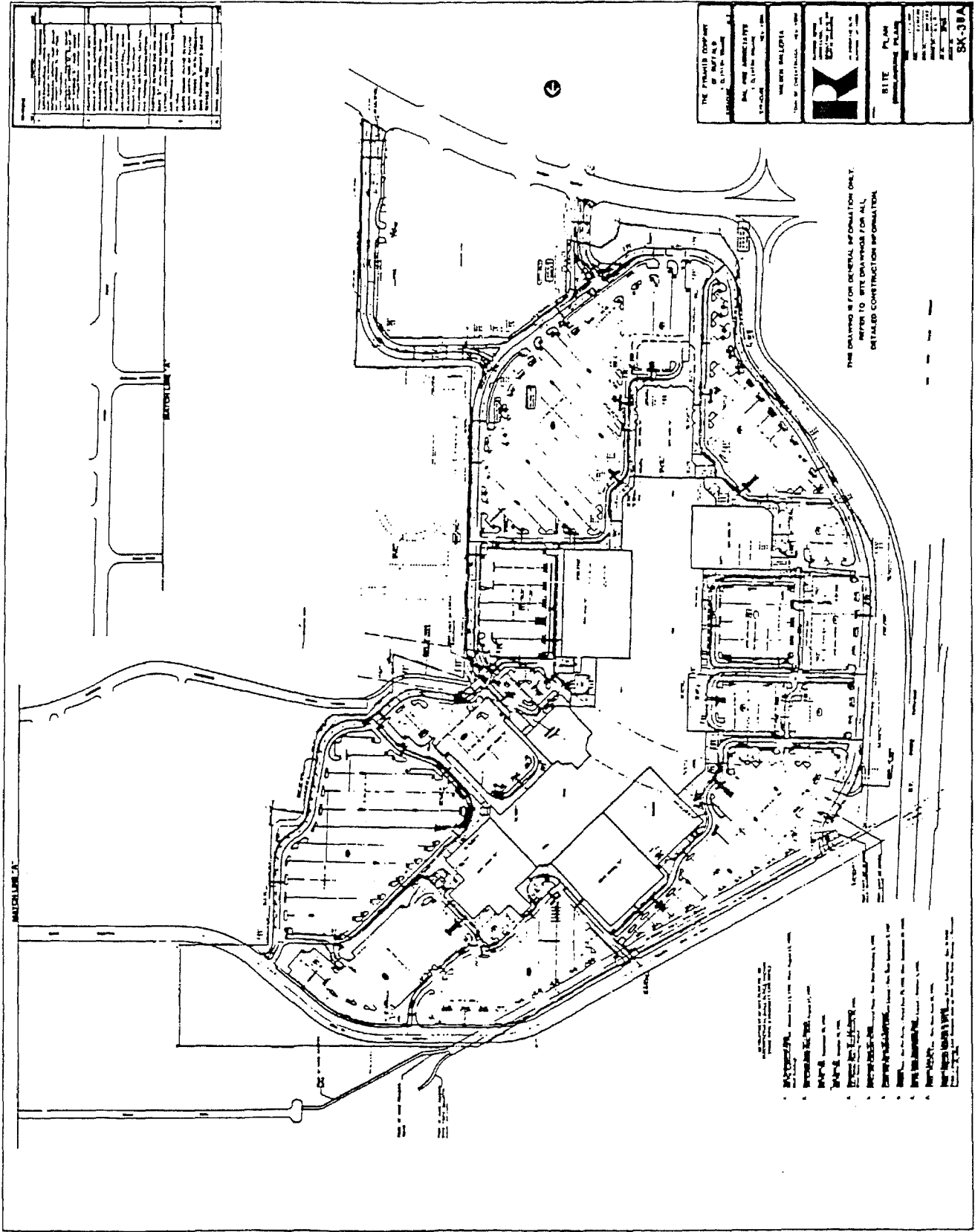
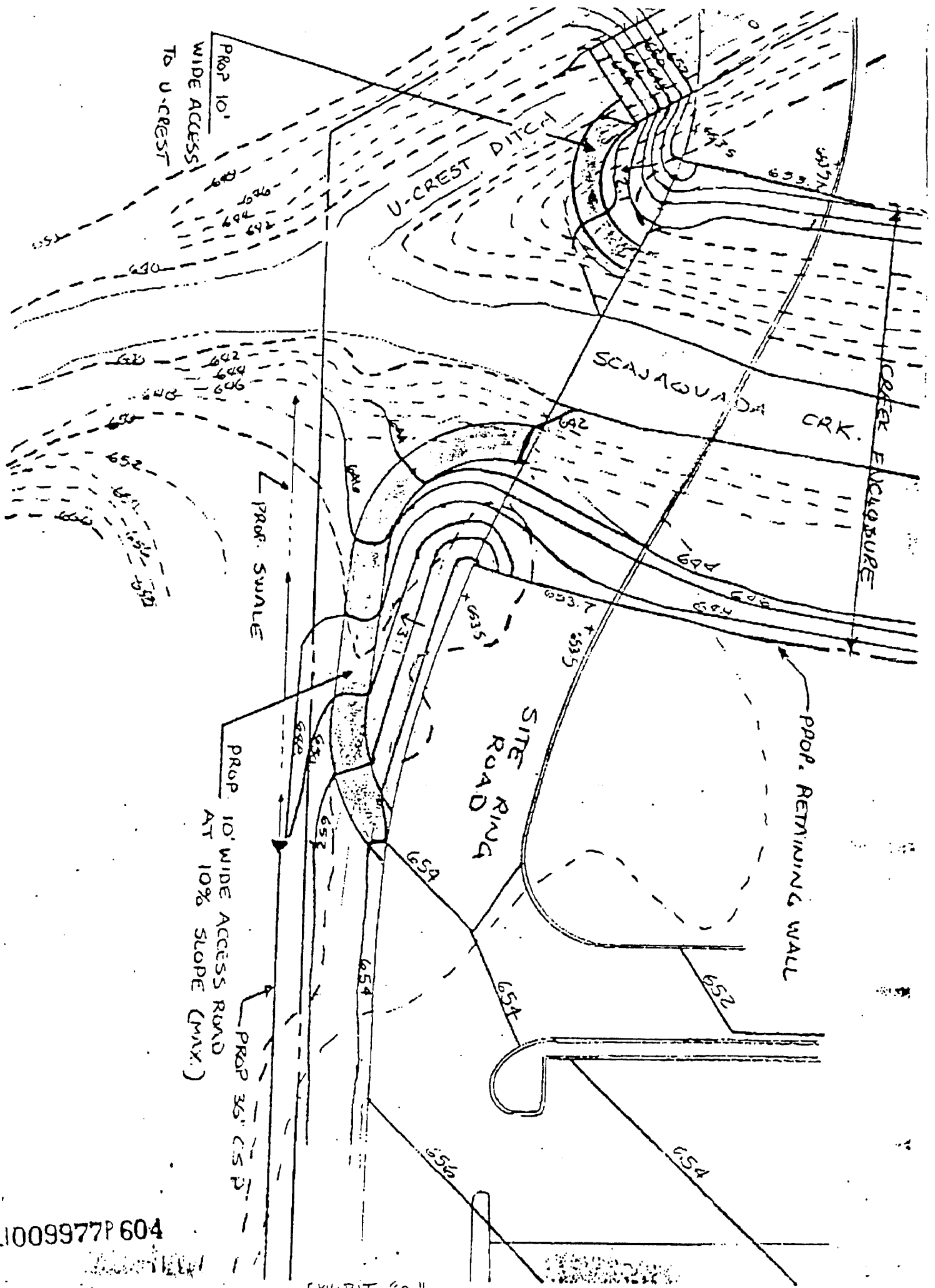


EXHIBIT "B"

11009977P 603



11009977P 604

EXHIBIT "C"

**U-CREST ARCH
ACCESS ROADS**

- 1. PROPOSED 10' WIDE ACCESS
- 2. ROAD SLOPED AT 10% MAX
- 3. (CUT SIDE SLOPES AT 3:1 MAX.)

MALL
SITE

DRIVE

WEST

PROPOSED 10' WIDE ACCESS
ROAD SLOPED TO MEET
GRADE.

FATH

DRIVE

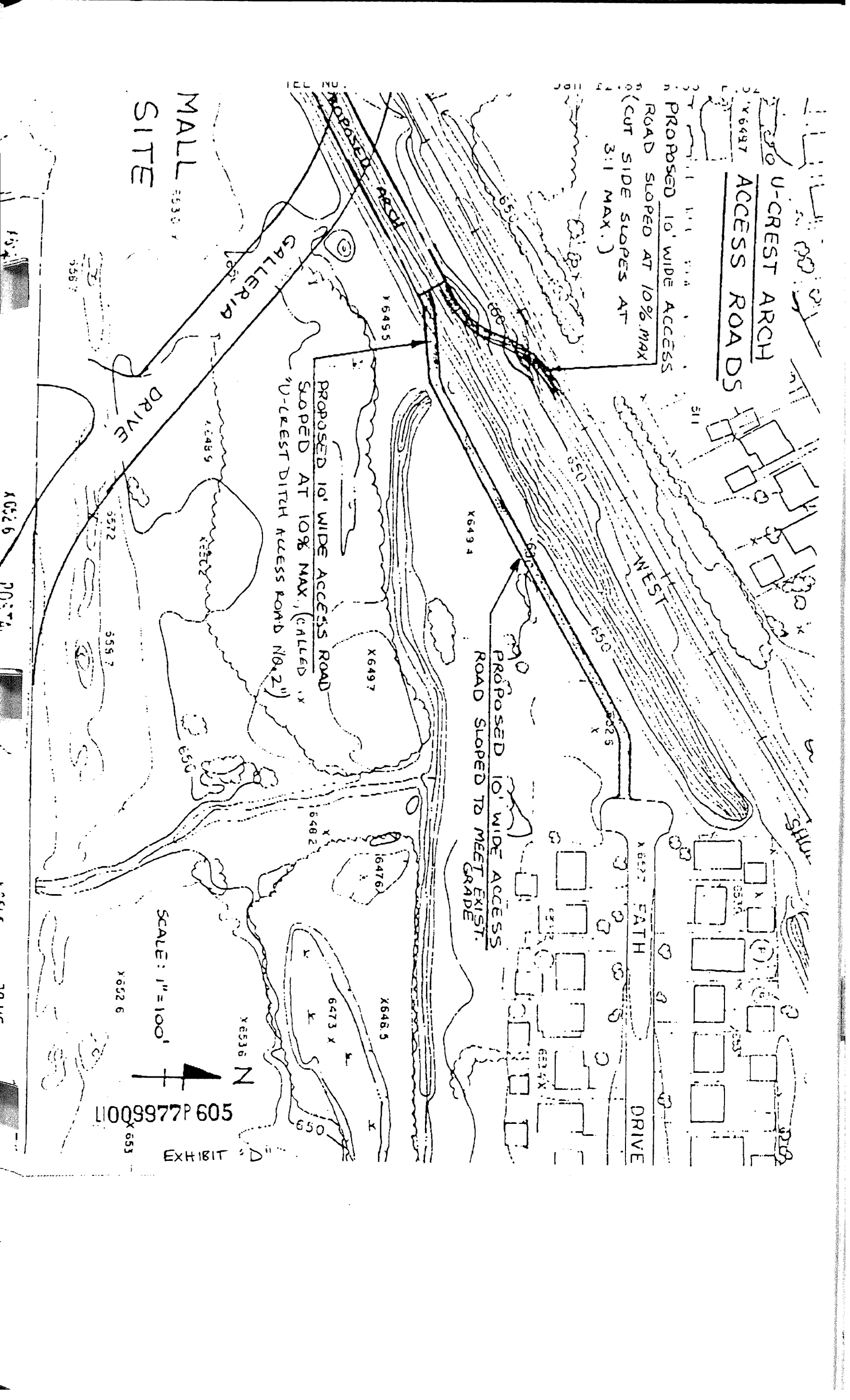
PROPOSED 10' WIDE ACCESS ROAD
SLOPED AT 10% MAX, (CALLED "X"
"U-CREST DITCH ACCESS ROAD NO. 2")

SCALE: 1" = 100'



LI009977P 605

EXHIBIT "D"



SPECIAL MEETING NO. 4
January 23, 1989

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

WHEREAS, the Pyramid Company of Buffalo ("Pyramid") is the developer of the Walden Galleria (the "Project") in the Town of Cheektowaga, New York (the "Town"), and

WHEREAS, a part of the Project, Pyramid proposes to construct a structural span across Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch, and

WHEREAS, it is imperative that the Town assure that maintenance of those portions of Scajaquada Creek and the U-Crest Diversion Ditch being spanned or enclosed is performed so as to insure unimpeded flow of water through same, and

WHEREAS, Pyramid, by virtue of the attached agreement, has agreed with the Town to ensure maintenance work is being done at no cost to the Town, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Pyramid on behalf of the Town.

* See next ten (10) pages for agreement

Upon Roll Call....

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

MAINTENANCE AGREEMENT

This Maintenance Agreement is made and entered into this 20th day of January, 1989 by and between Pyramid Company of Buffalo ("Owner") and the Town of Cheektowaga, New York (the "Town").

WITNESSETH

WHEREAS, Owner owns certain real property located in the Town of Cheektowaga, New York improved by a shopping center known as Walden Galleria (the "Project") which is shown on Drawing SK-38A, "Site Plan", as last revised January 19, 1989, prepared by Raymond Keyes Associates (attached as Exhibit "A"); and

WHEREAS, the Project as proposed includes the structural crossing of the one hundred and fifty foot Floodway of Scajaquada Creek (the "Structural Creek Crossing") through the development site; as well as the multi-plate arch enclosure of the U-Crest Diversion Ditch (the "Ditch Enclosure") through the development site; and

WHEREAS, upon the completion of the Structural Creek Crossing and Ditch Enclosure, the Town is obligated to regularly inspect and maintain the channels, channel beds and banks of the Creek and Ditch, in order to protect against impedence to water flow through the Creek and Ditch, to provide for improved public health, safety and welfare; and to ensure that the multi-plate arch is maintained so as to ensure water flow efficiency.

NOW, therefore, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, Owner and Town agree as follows:

RECEIVED
1989 JAN 25 AM 11:14
CHEEKTOWAGA
TOWN CLERK

1. The Town shall perform or cause to be performed the following work:

- (a) Regular inspection of that portion of the Creek and Ditch through the Project site in order to detect the accumulation of sediments or debris, or other circumstances which may give rise to water flow impedance;
- (b) Remove or correct any such water flow impedance condition in the Creek, including the channel, rip-rap overbank areas and sheet piling as directed by the Town Engineer in consultation with the New York State Department of Environmental Conservation where necessary;
- (c) Remove or correct any such water flow impedance condition in the Ditch, including the channel, rip-rap overbank areas and the lining of the Ditch Enclosure, as directed by the Town Engineer with consultation with the New York State Department of Environmental Conservation where necessary.
- (d) Any other measures which the Town Engineer determines are necessary in order to provide for the free flow of water through the Creek and Ditch;
- (e) Pest control (Item "1-a" through "1-e" will hereinafter be referred to as the "Work").

2. The Town shall perform or cause to be performed the Work in compliance with all applicable laws, ordinances, orders, rules and regulations of the United States, State of New York, the County of Erie, and the Town of Cheektowaga.

3. The Town, its successors and assigns shall indemnify and hold Owner, its successors and assigns, free and harmless from any and all claims for personal injury to the Town's employees and/or Town equipment damage incurred by the Town, its successors and assigns, arising from performing the Work, which may occur by reason of the negligence or other fault on the part of the Town, its successors, assigns and employees.

4. To the fullest extent permitted by law, the Owner, its successors and assigns, shall indemnify and hold harmless the Town, its employees and any successor and assign which is a governmental entity, from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, for bodily injury, sickness, disease or death, or damage or destruction of tangible property of the Owner, its successors and assigns, or properties upstream or downstream from the Structural Creek Crossing and Ditch Enclosure, arising out of or resulting from the existence of the Structural Creek Crossing or Ditch Enclosure.

5. Owner shall, unless waived by the Town in writing, effective from this date, purchase and maintain in continuous effect until the Termination Date of this Agreement, General and Excess Liability insurance, including Completed Operations and Contractual Liability at the "Project", which insurance shall name the Town of Cheektowaga and its employees as additional insureds for their liability arising out of this Agreement and/or the construction, existence and maintenance of the Structural Creek Crossing and Ditch Enclosure for the Owner's limits of such insurance which shall be not less than \$10,000,000.00 each occurrence and annual aggregate at the location. Such insurance shall provide at least thirty (30) days advance written notice of cancellation, reduction or non-renewal to the Town. The Owner shall provide the Town with evidence of the insurance and, upon written request, a true and complete copy of the policies of insurance to the extent they pertain to the coverage applicable directly or indirectly to the Town.

6. Owner shall reimburse the Town for total expenses incurred for all materials, equipment, labor and incidentals (including pest control) required to inspect and maintain the Creek and Ditch through the Project site and areas beyond resulting from construction of the

Project (the "Cost of Work"). In order to provide for funding the estimated Cost of Work, upon execution of this Maintenance Agreement by the parties, Owner shall initially deposit the sum of \$20,000 (the "Initial Balance"), into an interest-bearing account administered by the Town entitled Walden Galleria Scajaquada Creek and U-Crest Diversion Ditch Maintenance Fund (the "Fund"). The Fund is to be expended on the performance of the Work and for no other purpose. The Town's expenses incurred in the performance of the Work (the "Expenses") shall be reimbursed out of the Fund as incurred. The Fund shall be reconciled annually. Any surplus shall remain in the Fund to the extent necessary to achieve the Beginning Balance (defined herein). Any deficiency shall be paid by Owner to the Town within thirty days of written demand for payment. In any event, each year, on or before January 1st of such year, until the Termination Date of this Agreement, Owner shall deposit into the Fund such funds as are necessary to establish an annual beginning balance equivalent to 110% of the previous year's beginning balance (the "Beginning Balance"). Notwithstanding the above, prior to December 31, 1991 and every three (3) years thereafter, Owner and Town shall re-examine the amount necessary to establish the Beginning Balance and shall re-establish the Beginning Balance for the following year by adding together the actual expenses incurred for the Work during the prior three (3) years and dividing such total by three to arrive at the New Beginning Balance. The New Beginning Balance shall then be adjusted for the following two (2) years in order to establish an annual beginning balance equivalent to 110% of the previous year's beginning balance. Furthermore, Owner agrees to reimburse the Town for the cost of maintenance expenses which exceed the Initial or Beginning

Balance held by the Town within thirty days of written demand for payment, accompanied by invoices, for expenses incurred, as determined by the Town Engineer.

7. The Town agrees, represents and warrants that until the Termination Date of this Maintenance Agreement, as defined in Paragraph 14, it will not take any action to reduce or alter in any material way, the water carrying capacity or material hydraulic characteristics of the Creek and Ditch and will undertake any and all maintenance activity deemed necessary by the Town Engineer to sustain the water carrying capacity and material hydraulic characteristics of the Creek and Ditch.

8. All rights granted under this Maintenance Agreement shall be subject and subordinate to Owner's rights as follows; provided the exercise of any such rights may not adversely affect the hydraulic characteristics of the Creek or Ditch:

- (a) The paramount right of the Owner now and hereafter to occupy and use all or any portion of the area beneath the Structural Creek Crossing and Ditch Enclosure; and
- (b) The right of the Owner from time to time to grant others or to authorize the occupancy or use by others of any portion of the area beneath the Structural Creek Crossing and Ditch Enclosure for any purpose whatsoever, provided, however, that any such future grant or authorization shall not interfere with the rights conferred by this Maintenance Agreement.

9. Any request, notice, demand or other communication made hereunder from Town to Owner shall be addressed as follows:

Pyramid Company of Buffalo
c/o The Clinton Exchange
4 Clinton Square
Syracuse, New York 13202-1078
Att'n: Kenneth D. Cannon

Whiteman, Osterman & Hanna
28 Church Street
Buffalo, New York 14202
Att'n: Alice J. Kryzan

Any request, notice, demand or communication made hereunder from the Owner to Town shall be addressed as follows:

Town Hall
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227
Att'n: Town Engineer
Town Highway Superintendent
Town Attorney
Town Supervisor

Owner and Town respectfully reserve the right to designate other or different addresses for notice to the other.

10. No provision of this Maintenance Agreement shall be deemed to have been waived by either party unless such waiver is in writing signed by the party against whom waiver is alleged. This Maintenance Agreement contains the entire agreement between the parties and any executory agreement hereafter made shall be ineffective to change, modify or discharge it unless it is in writing and signed by the parties.

11. Unless agreed to in writing by Owner, Town shall not assign this Maintenance Agreement or any rights in or under it, nor shall the same be assigned by operation of law, but a merger or consolidation to which the Town may be a party or the contracting of such work out shall not be deemed such an assignment, and subject to this restriction, this Maintenance Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties.

12. This Maintenance Agreement shall be governed by and be construed in accordance with the laws of the State of New York.

13. If the Town so desires, Owner shall comply with all requests of the Town in establishing a special tax district, the purpose of

which will be to fund the cost of the Work pursuant to this Maintenance Agreement.

14. The obligations under this Maintenance Agreement shall remain in effect so long as the Structural Creek Crossing and Ditch Enclosure are in existence or until such time as the parties mutually agree to terminate or otherwise modify this Maintenance Agreement pursuant to the methods set out in Paragraph 10.

15. This Maintenance Agreement shall be binding upon the successors and assigns of the Owner and the Town.

16. The Town shall have no obligation under this Agreement to maintain or repair any structural components of the Structural Creek Crossing or Ditch Enclosure. The Owner shall be responsible for performing periodic inspection of the structural components of the Structural Creek Crossing and Ditch Enclosure to ensure their structural integrity. Owner shall bear any and all costs for any and all corrective work required to maintain or repair any structural components of the Structural Creek Crossing and Ditch Enclosure.

17. Owner agrees to furnish, install, maintain and provide energy for a permanent lighting system acceptable to the Town Engineer should field conditions, after construction, in the opinion of the Town Engineer, dictate. Such lighting shall be installed within six months of the date of demand by the Town Engineer.

18. In order to protect the Town against any increased maintenance cost which may arise as a result of channel bed scour and the redistribution of sediment from Scajaquada Creek or the U-Crest Diversion Ditch on the development site to a location downstream of the site, and to maintain same, Owner agrees to bear the expense of any remedial

work required, including fees for hiring consultants and for permits, as directed by the Town Engineer or to reimburse the Town for any such expense within thirty days of demand for payment by the Town.

19. It is understood between the Owner and the Town that the lining of the Ditch Enclosure is an integral part of the design providing a smooth efficient interior for the passage of water through the Ditch, and is an integral part of the New York State Department of Environmental Conservation permit issuance. Recognizing the importance of this interior lining, Owner agrees to reimburse the Town for any and all expenses incurred in maintaining the lining, as determined by the Town Engineer.

20. Pest control within the Project area, as required in the opinion of the Town Engineer, shall be authorized by the Town Engineer, and Owner agrees to reimburse the Town for costs associated with providing such pest control.

21. Owner shall be required to perform daily walk-through security inspections of the area underneath the Structural Creek Crossing and the Ditch Enclosure, and to provide the Town with written monthly reports evidencing such inspection and indicating what, if anything, was found.

22. As part of the security and maintenance needs, the Owner shall be required to paint station numbers at 50-foot intervals underneath and along both sides of the Structural Creek Crossing and Ditch Enclosure.

SPECIAL MEETING NO. 4
January 23, 1989

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

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 (the "Applicant") has submitted plans and drawings to the Town Engineer wherein it proposes to construct a structural span across Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch and related activities (collectively referred to as the "Project") in conjunction with the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria, and

WHEREAS, the Project falls within the mandate of the Drainage Systems Ordinance, and

WHEREAS, by resolution dated November 21, 1988, this Town Board called for a public hearing under the Drainage Systems Ordinance concerning the proposed Project and due notice of such public hearing was given, and

WHEREAS, such public hearing was duly held on the 5th day of December, 1988 at 6:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, and all interested persons were heard concerning such matter, and

WHEREAS, this Town Board resolved on November 7, 1988 to engage the services of Camp, Dresser and McKee ("CDM"), independent consulting engineers to assist the Town Engineering Department in the review of the Project, in particular the potential upstream and downstream effects, and to report to the Town Engineer and Town Supervisor its conclusions on the Project, and

WHEREAS, CDM has reviewed the Environmental Assessment Report, Environmental Assessment Form, all hydraulic analyses and engineering plans submitted by the Applicant and, in view of its finding that the Project will not have a significant adverse environmental impact on either upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, has recommended that the Town grant a negative declaration of adverse environmental impact for the design of the Project as presented in the Stormwater Management and Flood Control Study Supplement dated October, 1988, and

WHEREAS, the Buffalo District of the U.S. Army Corps of Engineers (the "Corps") has also reviewed the Project, including all relevant data, analysis and plans submitted by the Applicant, and has informed the Town that the Project as submitted by the Applicant would have insignificant effect on flood levels in Scajaquada Creek and the U-Crest Diversion Ditch, both upstream and downstream of the Project site, and

WHEREAS, this Town Board, at a special meeting held on January 9, 1989, adopted resolutions determining that the Project will have no significant impacts and requiring Applicant to satisfy certain requirements prior to receiving a permit under the Drainage Systems Ordinance, and

WHEREAS, each of the requirements imposed by the Applicant by the Town Board in its January 9, 1989 resolutions have now been completed or complied with to the satisfaction of this Town Board, and

WHEREAS, the Town Engineering Department has recommended that this Town Board approve such Project, NOW, THEREFORE, BE IT

RESOLVED that the Applicant's request for approval to construct the Project, including design element changes made thereto, be and it hereby is approved.

* * * * *

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

SPECIAL MEETING NO. 4
January 23, 1989

Item No. 4 cont'd

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 Kulyk, seconded by Councilman Johnson

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 (the "Applicant") has submitted plans and drawings to the Town Engineer wherein it proposes to construct a structural span across Scajaquada Creek and a multi-plate arch enclosure of the U-Crest Diversion Ditch and related activities (collectively referred to as the "Project") in conjunction with the construction of a regional shopping center in the Town of Cheektowaga known as the Walden Galleria, and

WHEREAS, the Project falls within the mandate of the Drainage Systems Ordinance, and

WHEREAS, by resolution dated November 21, 1988, this Town Board called for a public hearing under the Drainage Systems Ordinance concerning the proposed Project and due notice of such public hearing was given, and

WHEREAS, such public hearing was duly held on the 5th day of December, 1988 at 6:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, and all interested persons were heard concerning such matter, and

WHEREAS, this Town Board resolved on November 7, 1988 to engage the services of Camp, Dresser and McKee ("CDM"), independent consulting engineers to assist the Town Engineering Department in the review of the Project, in particular the potential upstream and downstream effects, and to report to the Town Engineer and Town Supervisor its conclusions on the Project, and

WHEREAS, CDM has reviewed the Environmental Assessment Report, Environmental Assessment Form, all hydraulic analyses and engineering plans submitted by the Applicant and, in view of its qualified finding that the Project will not have a significant adverse environmental impact on either upstream or downstream conditions in Scajaquada Creek or in the U-Crest Diversion Ditch, has recommended that the Town grant a negative declaration of adverse environmental impact for the design of the Project as presented in the Stormwater Management and Flood Control Study Supplement dated October, 1988, and

WHEREAS, the Buffalo District of the U.S. Army Corps of Engineers (the "Corps") has also reviewed the Project, including all relevant data, analysis and plans submitted by the Applicant, and has informed the Town that the Project as submitted by the Applicant would have insignificant effect on flood levels in Scajaquada Creek and the U-Crest Diversion Ditch, both upstream and downstream of the Project site, and

WHEREAS, this Town Board, at a special meeting held on January 9, 1989, adopted resolutions determining that the Project will have no significant impacts and requiring Applicant to satisfy certain requirements prior to receiving a permit under the Drainage Systems Ordinance, and

SPECIAL MEETING NO. 4
January 23, 1989

Item No. 4 cont'd

WHEREAS, each of the requirements imposed by the Applicant by the Town Board in its January 9, 1989 resolutions have now been completed or complied with to the satisfaction of this Town Board, and

WHEREAS, the Town Engineering Department has recommended that this Town Board approve such Project, NOW, THEREFORE, BE IT

RESOLVED that the Applicant's request for approval to construct the Project, including design element changes made thereto, be and it hereby is approved.

Upon Roll Call....

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

Item No. 5 Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, Buffalo Airport Center Associates (formerly Westinghouse), 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 1985-86 tax year, and

WHEREAS, Erie County Industrial Development Agency, Buffalo Airport Center Associates and Norstar Bank National Associates, have negotiated an amended lease agreement, a copy of which is attached hereto, between the Erie County Industrial Development Agency and the Buffalo Airport Center Associates, and

WHEREAS, the original lease agreement contains certain calculations for payment in-lieu-of taxes based on full assessed value as of June 1, 1985, and

WHEREAS, Buffalo Airport Center Associates and the Town have agreed to resolve their differences without further litigation and to settle and terminate the proceedings, and

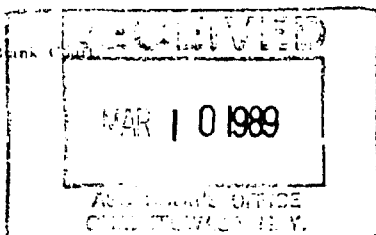
WHEREAS, the Town Assessor has recommended the attached Stipulation of Discontinuance, NOW, THEREFORE, BE IT

RESOLVED that the Town Assessor and special counsel to the Town be and hereby is authorized to sign any and all legal documents necessary to execute the Stipulation of Discontinuance of the action for the 1985-86 tax roll.

* See next pages for amended lease agreement

Upon Roll Call....

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



SUPREME COURT
COUNTY OF ERIE

Index No. H18366

In the Matter of the Application for Review Under
Article 7 of the Real Property Tax Law of a Tax
Assessment by BUFFALO AIRPORT CENTER ASSOCIATES

Calendar No.

Plaintiff(s)

against

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
and
CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT
AND LANCASTER CENTRAL SCHOOL DISTRICT

Defendant(s)

STIPULATION
DISCONTINUING ACTION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued, without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: 6 January 1988

JOSEPH GALVIN SACCO

The name signed must be printed beneath

DOUGLAS S. GATES, ESQ.
DAVIDSON, FINK, COOK AND GATES

The name signed must be printed beneath

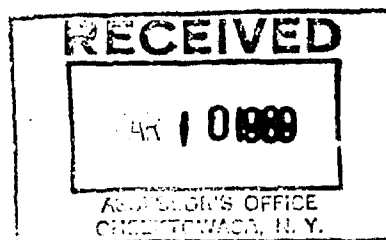
Attorney(s) for ~~XXXXXXXX~~
Casimir Kozminski, as the Assessor
of the Town of Cheektowaga, New York
and the Board of Assessment Review of
the Town of Cheektowaga, New York

Attorney(s) for Plaintiff(s)
900 First Federal Plaza
Rochester, New York 14614

HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR
Attorney for Cheektowaga-Maryvale Union
Free School District and Lancaster
Central School District

Plaintiff

Address



ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

AND

BUFFALO AIRPORT CENTER ASSOCIATES

LEASE AGREEMENT AMENDMENT

Dated as of January 1, 1989

\$2,000,000.00

Industrial Development Revenue Bond
(1985 Buffalo Airport Center Project)

LEASE AGREEMENT AMENDMENT

THIS LEASE AGREEMENT AMENDMENT, made and entered into as of the first day of January, 1989, by and between ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation of the State of New York, duly organized and existing under the laws of the State of New York (the "Agency"), having its principal office at 424 Main Street, Suite 300, Liberty Building, Buffalo, New York 14202, party of the first part, and BUFFALO AIRPORT CENTER ASSOCIATES, a limited partnership organized and existing under the laws of the State of New York (the "Company"), having its principal office c/o Paul L. Snyder, 690 Delaware Avenue, Buffalo, New York, party of the second part.

W I T N E S S E T H:

WHEREAS, the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") has been heretofore enacted by the Legislature of the State of New York; and

WHEREAS, the Enabling Act authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and

furnish land, any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial and industrial purposes including an industrial pollution control facility to the end that such agencies may be able to promote, develop, encourage and assist in the acquiring , construction, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, the Enabling Act further authorizes each such agency to make contracts or leases, to issue its special obligation bonds payable solely from the revenues derived from such leases and, as security for the payment of the bonds so issued, to mortgage and pledge any or all of its property, and to pledge the revenues derived from such leases to secure the payment of such bonds; and

WHEREAS, the Agency is not required to pay real estate taxes upon any of the property acquired by it or under its jurisdiction or control or supervision or upon its activities,

and the Company agrees to make certain payments in lieu of real estate taxes to the appropriate taxing authorities; and

WHEREAS, the Agency has been heretofore established under the Enabling Act pursuant to Chapter 293 of the 1970 Laws of New York, as amended (which Chapter 293 of the 1970 Laws of New York, as amended, and the Enabling Act are herein collectively called the "Act") and is authorized to acquire real property and interests therein, buildings, and other improvements thereon and machinery and equipment in connection therewith for the purposes set forth above, and to lease the same as herein more particularly described; and

WHEREAS, the Agency is further authorized by the Act to issue its special obligation bonds payable solely from and secured by the revenues derived from the leasing of the land, buildings and other improvements so acquired; and

WHEREAS, the Company previously entered into negotiations with the Agency for the acquisition, construction, rehabilitation and installation of a commercial facility consisting of the acquisition of a parcel of real property and improvements in Erie County, New York and rehabilitation of an existing building and the acquisition and installation of machinery, equipment and furnishings in connection therewith (such real property, improvements thereon and machinery, equipment and furnishings being referred to herein as the "Project"); and

WHEREAS, the Agency proposed to provide for the acquisition, construction, rehabilitation and installation of the Project and thereupon to lease the Project to the Company; and

WHEREAS, as a result of such negotiations, the Company requested the Agency to issue, and the Agency has issued, its bond in the aggregate principal amount of \$2 000,000.00 to partially finance the acquisition, rehabilitation and installation of the Project; and

WHEREAS, such bond consisted of the Agency's \$2,000,000.00 Industrial Development Revenue Bond (1985 Buffalo Airport Center Associates Project) (the "Bond"); and

WHEREAS, in connection with the foregoing, the Company and the Agency entered into a Lease Agreement dated as of August 1, 1985 (the "Original Lease Agreement"), providing for the acquisition, rehabilitation and installation of the Project by the Agency and the leasing thereof to the Company; and

WHEREAS, in connection with the foregoing, the Agency and Chase Lincoln First Bank, N.A. ("Chase"), as Fiscal Agent, entered into an Indenture of Mortgage dated as of August 1, 1985 (the "Original Indenture") to secure the Original Bond; and

WHEREAS, the Bond has been assigned by Chase to Norstar Bank, National Association (Norstar) and Norstar has replaced Chase as Fiscal Agent; and

WHEREAS, the Company has commenced and is engaged in litigation to contest the real property tax assessment for the facility; and

WHEREAS, the Company and the Agency desire to amend certain terms of the Lease Agreement and Norstar consents to such Amendment; and

WHEREAS, all things necessary to make such amendments legal, valid and binding obligations of the Agency and of the Company enforceable against the Agency and the Company in accordance with the terms thereof, and to constitute the Original Indenture, a valid lien on the properties mortgaged and a valid pledge and assignment of the lease rentals, revenues and receipts therein made to secure payment of the principal of, redemption premium, if any, and interest on the Original Bond, have been done and performed, and the creation, execution and delivery of this Lease Agreement Amendment, subject to the terms hereof, have in all respects been duly authorized;

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Except as hereby expressly amended, the Original Lease Agreement is in all respects ratified and confirmed, and all the terms, provisions and conditions thereof shall be and remain in full force and effect, and this Lease Agreement Amendment and all of its terms, provisions and conditions shall be deemed to be a part of the Original Lease Agreement.

Section 2. All references in the Original Lease Agreement to "this Agreement" or words of similar import and the terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms as used in the Original Lease Agreement shall be deemed to refer to the Original Lease Agreement, as amended by this Lease Agreement Amendment.

Section 3. Section 4.3 of the Original Lease Agreement is amended as follows:

The parties desire to amend the PILOT to provide for payment of payments in lieu of taxes on an "as if owned" basis based upon the appropriate tax rates of the taxing jurisdictions as adjusted from time to time and a full assessed value of \$12,173,800.00 (pro rated for the division of the premises between the Maryvale and Lancaster school districts).

The parties desire to recalculate all PILOT payments since the commencement of Agency ownership in accordance with this formula and to adjust the amounts owed by the Company.

The recalculation for prior tax periods during Agency ownership and the credits and adjustments for payments by and to the Company are as set forth in Exhibit A for the County and Town and Exhibit B for the school districts both of which are annexed hereto and made parts hereof.

Simultaneously with the signing of this Lease Amendment Agreement, the Company shall pay to the Agency on behalf of the

school districts the settlement payment amounts shown on Exhibit B annexed hereto and made a part hereof.

A credit is due to the Company for total payments made in lieu of County Tax payments. The credit is fixed in the amount of \$122,754.00. Of such credit \$25,262.00 shall not be refunded to the Company, but shall be credited in a reduction of County PILOT payments for the 1989 county tax fiscal year. \$97,492.00 shall be paid to the Company by the County or the Agency simultaneously with the signing of this Lease Agreement Amendment or as soon as possible thereafter.

A credit is due to the Company for total payments in lieu of Town of Cheektowaga tax payments. The credit is fixed in the amount of \$25,403.00. The credit shall be credited in a reduction of the Cheektowaga PILOT payment for the 1989 fiscal year.

The Company agrees to settle all pending proceedings under Article 7 of the Real Property Tax Act and shall promptly take all steps necessary to enter into a stipulation of settlement of such actions. The Company further agrees that as a condition of the settlement of such actions and this agreement the Company shall not challenge the assessed valuation based on a total value of \$12,173,800.00 at any time or for any period prior to June, 1990. The Company shall not be precluded from seeking an assessment reduction in the event the premises are materially damaged or destroyed at any time after January 1, 1989.

Section 4. All future PILOT payments shall be due on the date when the equivalent tax payment is due. In the event of non-payment or untimely payment, interest charges and penalties applicable to a delinquent tax payment shall apply to the PILOT payment.

In the event of a delinquent PILOT payment for any period after the date of this Lease Amendment Agreement, the Agency shall have the right to convey the project to the Company. The Company hereby grants the Agency the power to convey and unconditionally agrees to accept the deed from the Agency. The Company hereby irrevocably designates the Agency as its attorney-in-fact, coupled with an interest, for the purpose of executing, delivering and recording such deed of conveyance together with any other documents in connection therewith and to take such other and further actions reasonably necessary to complete the conveyance of the Project to the Company. The Agency's right of conveyance shall be in addition to the existing rights and remedies of the Agency including the right to collect interest and penalties.

The Agency and the Company agree that all of the taxing authorities (Cheektowaga Maryvale Union Free School District, Lancaster Central School District, Town of Cheektowaga and County of Erie) are third-party beneficiaries of the Original Lease Agreement and this Lease Agreement Amendment. Each of the taxing

authorities shall have standing to sue to collect delinquent PILOT payments due to them.

In the event the Company should default under any of the provisions of the Original Lease Agreement or this Agreement with respect to PILOT payments and any taxing authority should employ attorneys or incur other expenses for the collection of such payments or other amounts payable or the enforcement of performance or observance of any obligation or agreement on the part of the Company, the Company agrees that it will, on demand therefor, pay to the taxing authority the reasonable fees and disbursements of such attorneys and such other expenses so incurred.

Section 5. All representations and warranties, except as expressly stated otherwise herein, made by the Company in the Original Lease Agreement are hereby made again in this Lease Agreement Amendment as if fully set forth herein.

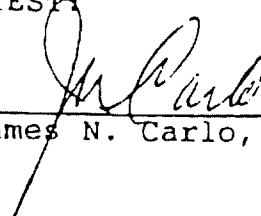
IN WITNESS WHEREOF, the Agency has caused these presents to be executed in its name and behalf by an authorized officer thereof and its corporate seal to be hereunto affixed and attested by an authorized officer thereof and the Company has caused these presents to be executed in its name and behalf by the general partner thereof and, in the case of the corporate general partner of such general partner of the Company, has caused such corporate general partner's corporate seal to be hereunto affixed and attested by an authorized officer of such

corporate general partner, all as of the day and year first above written.

[SEAL]

ERIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

ATTEST:

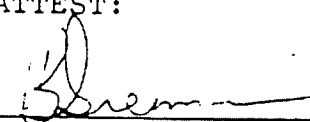

James N. Carlo, Secretary

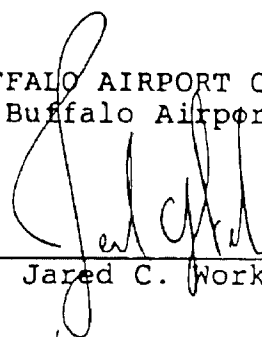
By 
Dean J. Sallak, Treasurer

[SEAL]

BUFFALO AIRPORT CENTER ASSOCIATES
By Buffalo Airport Center, Inc.

ATTEST:


B. Green, Secretary

By 
Jared C. Workman, Treasurer

Consent:

Norstar Bank, National Association, Bondholder and Fiscal Agent, hereby evidences its consent to this Lease Amendment Agreement including its consent to the additional remedy granted to the Agency.

NORSTAR BANK, NATIONAL ASSOCIATION

By 
Stewart M. Orsen, Vice Pres.

LCwe/wi
:010:107BUFFAIR

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

On the 27 day of January, 1989, before me personally came DEAN J. SALLAK, to me known, who, being by me duly sworn, did depose and say that he resides at Hamburg, New York; that he is the Treasurer of the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, the Agency described in and which executed the above instrument; that he knows the corporate seal of said Agency; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors or other governing body of said Agency; and that he signed his name thereto by like authority.

Karen M. Folmsbee

Notary Public

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

On the 27th day of January, 1989, before me personally came JARED C. WORKMAN, to me known, who, being by me duly sworn, did depose and say that he resides at Orchard Park, New York; that he is the Treasurer of BUFFALO AIRPORT CENTER, INC., as General Partner of BUFFALO AIRPORT CENTER ASSOCIATES, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Linda S. Buzak

Notary Public

LINDA S. BUZAK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 5, 19 90

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

On the 27th day of January, 1989, before me personally came STEWART M. OLSEN, to me known, who, being by me duly sworn, did depose and say that he resides at E. ANNUNZI, that he is the VICE PRES. of NORSTAR BANK, NATIONAL ASSOCIATION, the Bank described in and which executed the above instrument; that he knows the seal of said Bank; that the seal affixed to the instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said Bank, and that he signed his name thereto by like authority.

Robert J. McArdle
Notary Public

ROBERT J. McARDLE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1990

EXHIBIT A

		<u>County of Erie</u>	<u>Town of Cheektowaga</u>
Billing Analysis:			
Pilot amounts billed			
for tax fiscal years:			
	1986	\$193,878	\$ 99,037
	1987	169,596	93,552
	1988	169,596	93,552
	TOTALS	<u>\$533,070</u>	<u>\$286,141</u>
Revised amounts based			
on \$12,173,800 assess-			
ment for tax fiscal			
years:			
	1986	\$152,665	\$ 77,948
	1987	92,783	58,697
	1988	92,764	58,556
	TOTALS	<u>\$338,212</u>	<u>\$195,201</u>
Payments made by			
BAC for tax			
fiscal years:			
	1986	\$193,878	\$ 99,037
	1987	169,596	-0-
	1988	97,492	121,567
		<u>\$460,966</u>	<u>\$220,604</u>
Surplus or (Deficit)			
of payments to revised			
billing amounts:			
		\$122,754	\$ 25,403
1988 Settlement payment (to)			
and from BAC to the			
taxing authority			
		<u>(\$ 97,492)</u>	<u>-0-</u>
Credit to 1989 Pilot Payment			
		\$ 25,262	\$ 25,403

EXHIBIT B

SCHOOL DISTRICTS

	<u>Maryvale Central</u>	<u>Lancaster Central</u>
Billing Analysis:		
Pilot amounts billed for tax fiscal years:		
1985-86	\$106,969	\$138,933
1986-87	86,343	112,148
1987-88	106,969	138,933
TOTALS	<u>\$300,281</u>	<u>\$390,014</u>
Revised amounts based on \$12,173,800 assess- ment for tax fiscal years:		
1985-86	\$ 84,230	\$109,399
1986-87	71,149	86,505
1987-88	76,441	94,963
	<u>\$231,820</u>	<u>\$290,867</u>
Excess of original to revised billings:	\$ 68,461	\$ 99,147
	<u> +3</u>	<u> +3</u>
Annual Credit to settlement payment and fiscal year 1989-1990 Pilot payments:	\$ 22,820	\$ 33,049
Payments made by BAC for tax fiscal years:		
1985-86	\$106,969	\$138,933
1986-87	86,343	112,148
1987-88	0	0
TOTALS	<u>\$193,312</u>	<u>\$251,081</u>
Billings in excess of payments	<u>\$106,969</u>	<u>\$138,933</u>
Less: Annual Credit	<u>22,820</u>	<u>33,049</u>
1987-1988 Settlement Payment	<u>\$ 84,149</u>	<u>\$105,884</u>
Total Credits toward 1988-1989 and 1989-1990 Pilot payments	\$ 45,640	\$ 66,098

SPECIAL MEETING NO. 4
January 23, 1989

Item No. 6 Motion by Councilman Kulyk, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that Emil Lennert of _____ be and hereby is reappointed to the Cheektowaga Planning Board for a seven (70) year term, expiring February 1, 1996.

Upon Roll Call....

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

Item No. 7 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, a lawsuit was commenced against the Town of Cheektowaga by Brown-Devlin Associates in 1975 in which it is alleged that certain sums are due them for engineering services rendered to the Town of Cheektowaga, and

WHEREAS, pre-trial discovery has been conducted during the past fourteen (14) years, and

WHEREAS, the jury trial of the action commenced on November 21, 1988 before the Hon. Frank A. Sedita, Jr. and has continued to the present date, and

WHEREAS, the potential liability to the Town based upon the plaintiffs' proof, adduced at the trial, could amount to approximately \$8.5 million dollars in the event the jury found in favor of the plaintiffs, and

WHEREAS, it appears that the best interests of the Town of Cheektowaga would be served by a compromise of this litigation, and

WHEREAS, the plaintiffs will be required, as part of the compromise, to supply data and records necessary for the Town of Cheektowaga to apply to the Environmental Protection Agency and the Department of Environmental Conservation for reimbursement of funds in the amount of approximately \$500,000.00, under the grants-in-aid programs, and

WHEREAS, the compromise would avoid the adverse tax affects in the event of a verdict in favor of the plaintiffs, NOW, THEREFORE, BE IT

RESOLVED that upon approval of such settlement of the Supreme Court, Erie County, the supervisor is hereby authorized to execute and procure any papers necessary to effectuate such settlement, and BE IT FURTHER

RESOLVED that pursuant to authority contained in subdivision 33 of Section 11.00 of the Local Finance Law of the State of New York, moneys necessary for the defense and compromise of this lawsuit be appropriated from the proceeds of new or existing bond authorizations covering the service area for Sanitary Sewer District No. 5; the determination of which bond proceeds to use shall be made by the Budget Director, in consultation with the Town's accountant.

Upon Roll Call....

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

Item No. 8 Motion by Supervisor Swiatek, Seconded by Councilman Kazukiewicz 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 April, 1989 at 6:00 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; Kevin Schenk, Deputy Town Attorney; Chester Bryan, Town Engineer; Chris Kowal, Highway Superintendent; Sal LaGreca, Employment and Training Director II; Chairman-Planning Commission; Tom Kolbert, Clerk to the Justice Court.

I. RESOLUTIONS

Item No. 2 Motion by Unanimous , Seconded by Unanimous

WHEREAS, pursuant to conditions contained in the Findings Statements issued by this Town Board for the Walden Galleria shopping center (the "Project"), the Pyramid Company of Buffalo (the "Developer"), as part of and prior to receipt of certificates of occupancy for the project, was required to design and construct for dedication to the Town a highway known as Galleria Drive, and

WHEREAS, the Developer obtained the required public improvement permits for the construction of Galleria Drive and the Galleria Drive Bridge crossing Scajaquada Creek on June 13, 1988 and August 1, 1988 respectively, and

WHEREAS, the Developer has designed and constructed Galleria Drive and the Galleria Drive Bridge and has submitted to the Town for its acceptance a warranty deed for the following two portions of Galleria Drive:

1. Galleria Drive - from the terminus of Postal Drive westerly to the New York State Thruway (I-90)
2. Galleria Drive - from Walden Avenue northeasterly to the New York State Thruway (I-90)

and

WHEREAS, the Town Superintendent of Highways and the Town Engineer, together with the assistance of the Town's engineering consultants, have inspected Galleria Drive and the Galleria Drive Bridge throughout their construction; and the Town Superintendent of Highways and the Town Engineer have recommended that such portions of Galleria Drive and the Galleria Drive Bridge be accepted as a Town highway, and

WHEREAS, licensed engineering firms retained by the Developer and acceptable to the Town have certified that Galleria Drive and the Galleria Drive Bridge have been inspected during the course of construction and have been constructed in accordance with plans submitted to and approved by the Town Engineering and Town Highway Departments, and

Item No. 2 cont'd

WHEREAS, the Developer has provided to the Town certificate that all hazardous wastes have been removed from the Galleria Drive right-of-way in conformity with an Order on Consent issued by the New York State Department of Environmental Conservation, and

WHEREAS, pursuant to Section 54-9 of the Code of the Town of Cheektowaga, the Town Engineer has issued certificates of approval for Galleria Drive and the Galleria Drive Bridge, and

WHEREAS, the Developer has also submitted two separate 5-year maintenance bonds in the amounts of \$241,969.00 and \$38,255.00 for the aforementioned Galleria Drive and Galleria Drive bridge improvements and such maintenance bonds are acceptable to the Town Superintendent of Highways in lieu of the requirement of Section 54-6 of the Town Code, and

WHEREAS, the Developer has executed a Bill of Sale to transfer ownership of the Galleria Drive/Galleria Drive Bridge improvements (i.e., curbing, pavement, street lights, etc.), NOW, THEREFORE, BE IT

RESOLVED that the aforementioned deed and maintenance bond be and hereby are accepted by this Town Board, and BE IT FURTHER

RESOLVED that the supervisor be and hereby is authorized and directed to execute the Bill of Sale for the Galleria Drive/Galleria Drive Bridge improvements, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to file the aforementioned deed for Galleria Drive in the Erie County Clerk's Office.

Upon Roll Call....

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

Item No. 3 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated June 13, 1988, this Town Board approved the issuance of public improvement permits to the Pyramid Company of Buffalo (the "Developer") for the construction of three stormwater detention basins for the Walden Galleria shopping center (the "Project"), and

WHEREAS, two of these basins ("Basins Nos 1 and 2") were to be constructed on property owned by the Town, and

WHEREAS, the Town Engineer and the Town Highway Superintendent, together with the assistance of the Town's engineering consultants, have inspected the construction of Basins Nos 1 and 2, have found same to have been constructed according to Town requirements, and have recommended that the Town accept same as public improvements, and

WHEREAS, licensed engineering firms engaged by the Developer and acceptable to the Town have certified that Basins Nos. 1 and 2 have been inspected during the course of construction and have been constructed in accordance with plans submitted to and approved by the Town Engineering and Highway Departments, and

WHEREAS, pursuant to Section 54-9 of the Code of the Town of Cheektowaga, the Town Engineer has issued certificates of approval for Basins Nos 1 and 2 (including the Lift Station), and

WHEREAS, the Developer has executed a Bill of Sale to transfer ownership of the Lift Station, including dual submersible pumps, piping, electrical wiring, control facilities and related equipment, located in Basin No. 2 to the Town, NOW, THEREFORE, BE IT

Item No. 3 cont'd

RESOLVED that Basins Nos 1 and 2 (including the Lift Station), as constructed by the Developer, be and hereby are accepted by this Town Board as public improvements, and BE IT FURTHER

RESOLVED that the Town's License and Maintenance Agreement No. 1 with the Developer dated June 13, 1988 be accepted in lieu of the maintenance bond requirement in the Public Improvements Ordinance, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Bill of Sale for the Lift Station and related equipment, and BE IT FURTHER

RESOLVED that the performance bond submitted by the Developer for the public improvement permits for the construction of Basins Nos. 1 and 2 be released.

Upon Roll Call....

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

Item No. 4 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated June 13, 1988 this Town Board approved the issuance of public improvement permits to the Pyramid Company of Buffalo (the "Developer") for the construction of three stormwater detention basins for the Walden Galleria shopping center (the "Project"), and

WHEREAS, one of these basins ("Basin No. 3") was to be constructed on property owned by the Developer, and

WHEREAS, the License and Maintenance Agreement No. 2 dated June 13, 1988, the Developer granted the town a license to enter upon Basin No. 3 property to perform maintenance work on same, and

WHEREAS, the Town Engineer and the Town Highway Superintendent, together with the assistance of the Town's engineering consultants, have inspected the construction of Basin No. 3, have found same to have been constructed in accordance with Town requirements, and

WHEREAS, licensed engineering firms engaged by the Developer and acceptable to the Town have certified that Basin No. 3 has been inspected during the course of construction and has been constructed in accordance with plans submitted to and approved by the Town Engineering and Town Highway Departments, and

WHEREAS, pursuant to Section 54-9 of the Code of the Town of Cheektowaga, the Town Engineer has issued a certificate of approval for Basin No. 3, and

WHEREAS, this Town Board does not intend or desire to have ownership of Basin No. 3 transferred to the Town, but desires ownership of same to remain in the Developer, NOW, THEREFORE, BE IT

RESOLVED that Basin No. 3, as constructed by the Developer, be and hereby is approved by this Town Board, and BE IT FURTHER

RESOLVED that the Town's License and Maintenance Agreement No. 2 with the Developer dated June 13, 1988 be accepted in lieu of the maintenance bond and Town ownership requirements of the Public Improvements Ordinance, and BE IT FURTHER

RESOLVED that the performance bond submitted by the Developer for the public improvement permit for the construction of Basin No. 3 be released.

Item No. 4 cont'd

Upon Roll Call....

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

Item No. 5 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated June 13, 1988, this Town Board approved the issuance of a public improvement permit to the Pyramid Company of Buffalo (the "Developer") for creek bank stabilization work in Scajaquada Creek, as part of the construction of the Walden Galleria shopping center (the "Project"), and

WHEREAS, the Town Engineer and the Town Highway Superintendent, together with the assistance of the Town's engineering consultants, have inspected the creek bank stabilization work, have found same to have been performed in accordance with Town requirements, and

WHEREAS, licensed engineering firms engaged by the Developer and acceptable to the Town have certified that the creek bank stabilization work has been inspected in accordance with plans submitted to and approved by the Town Engineering and Town Highway Departments, and

WHEREAS, pursuant to Section 54-9 of the Code of the Town of Cheektowaga, the Town Engineer has issued a certificate of approval for the creek bank stabilization work, and

WHEREAS, the Developer has executed a Bill of Sale to transfer ownership of the improvements related to the creek bank stabilization work, and

WHEREAS, by License and Maintenance Agreement No. 2 dated June 13, 1988, the Developer agreed to reimburse the Town for costs associated with maintaining the creek bank stabilization work, NOW, THEREFORE, BE IT

RESOLVED that the Scajaquada Creek creek bank stabilization work, as performed by the Developer, be and hereby is approved by this Town Board, and BE IT FURTHER

RESOLVED that the Town's License and Maintenance Agreement No. 2 dated June 13, 1988 with the Developer be accepted in lieu of the maintenance bond requirement in the Public Improvements Ordinance, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Bill of Sale for the creek bank stabilization work improvements, and BE IT FURTHER

RESOLVED that the performance bond submitted by the Developer for the public improvement permit for the creek bank stabilization work be released.

Upon Roll Call....

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

Item No. 6 Motion by Unanimous, Seconded by Unanimous

WHEREAS, pursuant to conditions contained in the Findings Statements issued by this Town Board for the Walden Galleria shopping center (the "Project"), the Pyramid Company of Buffalo (the "Developer"), as part of and prior to the receipt of certificates of occupancy for the Project, was required to design and construct for dedication to the Town a highway known as Galleria Drive, and

Item No. 6

WHEREAS, since the Developer does not own that portion of Galleria Drive to be constructed under the New York State Thruway bridge, an agreement between the New York State Thruway Authority ("NYSTA") and the Town for an easement over NYSTA property where Galleria Drive passes under the New York State Thruway bridge was also made a condition to the receipt of certificates of occupancy for the Project, and

WHEREAS, the Town Superintendent of Highways and the Town Engineer, together with the assistance of the Town's engineering consultants, have inspected that portion of Galleria Drive under the New York State Thruway bridge; and that Town Superintendent of Highways and the Town Engineer have stated that such portion of Galleria Drive has been constructed in accordance with plans submitted to them, and

WHEREAS, licensed engineering firms engaged by the Developer and acceptable to the Town have certified that that portion of Galleria Drive which passes under the New York State Thruway bridge has been inspected during construction and has been constructed in accordance with plans submitted to and approved by the Town Engineering and Highway Departments, and

WHEREAS, negotiations are proceeding to reach agreement with the NYSTA for the Town to have an easement to operate Galleria Drive under the I-90 bridge, and

WHEREAS, the NYSTA has however agreed to consider an application for an interim measure to allow the Town to open Galleria Drive under the Thruway bridge and operate it as a public highway under an Occupancy Permit, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute an application for an Occupancy Permit for the portion of Galleria Drive under the Thruway bridge, with the understanding that such Occupancy Permit is only an interim measure and that the Developer shall be responsible for any future I-90 bridge maintenance and easement expenses mandated by the NYSTA, and BE IT FURTHER

RESOLVED that the attached letter dated April 25, 1989 from the Pyramid Company of Buffalo be accepted as an interim solution in lieu of the literal satisfaction of Findings Statement condition (w).

* See next page for letter

Upon Roll Call....

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

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

April 25, 1989

Mr. Ronald S. Marten, Supervisor,
Building and Inspections Department
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227

RE: Satisfaction of Findings Statement Condition (w)

Dear Ron:

Walden Galleria Findings Statement Condition (w) reads as follows:

"Preparation and execution of an agreement for the use and maintenance of "Galleria Drive" which passes under the NYS Thruway Bridge subject to the approval of the Town of Cheektowaga and the NYS Thruway Authority."

For several months, Pyramid Company of Buffalo ("Pyramid") and the New York State Thruway Authority ("NYSTA") have been working towards the development of a definitive agreement for the use and maintenance of Galleria Drive where it passes under the NYSTA bridge. The Town has also been involved in this process.

Unfortunately, until the Governor finalizes an additional appointment to the NYSTA Real Estate Board, NYSTA, will not have the necessary legal authority to finalize the easement agreement. However, NYSTA has agreed to an interim solution allowing the Town to open Galleria Drive and operate it as a public highway under an "Occupancy Permit".

In order to provide to the Town of Cheektowaga protection against costs expected to be assessed by NYSTA in the definitive agreement, Pyramid hereby agrees to pay on behalf of the Town or to reimburse the Town, directly or through special tax assessments, all costs imposed by NYSTA for the easement rights and any future I-90 bridge maintenance expenses.

Pyramid respectfully requests that the Building and Inspection Department accept this interim solution in lieu of the literal satisfaction of Findings Statement Condition (w).

Very truly yours,

PYRAMID COMPANY OF BUFFALO

A handwritten signature in black ink, appearing to read "Kenneth D. Cannon", is written over a horizontal line.

Kenneth D. Cannon

KDC/dsd

cc: Frank E. Swiatek, Town Supervisor

Kevin G. Schenk, Esq., Deputy Town Attorney

The Pyramid Companies, The Clinton Exchange, 4 Clinton Square, Syracuse, New York 13202 (315) 422-7000

Item No. 7 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated June 13, 1988, this Town Board approved the issuance of a public improvement permit to the Pyramid Company of Buffalo (the "Developer") for the construction of a 30" sanitary sewer line in conjunction with the construction of the Walden Galleria shopping center (the "Project"), and

WHEREAS, the Developer has designed and constructed such sanitary sewer line and has submitted to the Town for its acceptance an easement covering such sanitary sewer line, and

WHEREAS, the Town Engineer, together with the assistance of the Town's engineering consultants, has inspected the construction of the 30" sanitary sewer line, has found same to have been constructed according to Town requirements, and has recommended that the Town accept same as a public improvement, and

WHEREAS, licensed engineering firms engaged by the Developer and acceptable to the Town have certified that the 30" sanitary sewer line has been constructed in accordance with plans submitted to and approved by the Town Engineering Department, and

WHEREAS, pursuant to Section 54-9 of the Code of the Town of Cheektowaga, the Town Engineer, has issued a certificate of approval for the 30" sanitary sewer line, and

WHEREAS, the Developer has executed a Bill of Sale to transfer ownership of the sanitary sewer pipes and appurtenances to the Town, and

WHEREAS, the Developer has submitted a maintenance bond acceptable to the Town Attorney for the aforementioned sanitary sewer line, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned sanitary sewer line and easement be and hereby are accepted by this Town Board, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to execute the attached sanitary sewer easement, the acknowledgement of termination of the old sanitary sewer line crossing the Project site and the Bill of Sale for the sewer pipes and appurtenances, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to file the aforementioned sanitary sewer easement in the Erie County Clerk's Office.

Upon Roll Call....

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

Item No. 8 Motion by Unanimous, Seconded by Unanimous

WHEREAS, by resolution dated February 17, 1981, the Town Board of the Town of Cheektowaga accepted a Town highway known as Postal Drive, and

WHEREAS, a portion constituting the terminus of Postal Drive was discontinued by the Town Highway Superintendent on June 14, 1988, and

WHEREAS, the Pyramid Company of Buffalo (the "Developer") has widened the existing portion of Postal Drive and has constructed a continuation of such Town Highway known as Galleria Drive as part of the requirements for the construction of the Walden Galleria shopping center (the "Project"), and

WHEREAS, this Town Board accepted Galleria Drive as a Town highway, and

WHEREAS, this Town Board is desirous of renaming Postal Drive to Galleria Drive, NOW, THEREFORE, BE IT

Item No. 8 cont'd

RESOLVED that the Town highway known as Postal Drive be and hereby is renamed Galleria Drive, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the following:

Town Assessor
Town Planning Board
Erie County Clerk
Erie Co. Department of Public Works, Division of Highways
U.S. Post Office
Westinghouse Electric Supply Co. (Postal Drive office)
Putt Putt Golf & Games, Inc. (3770 Union Road)

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 9 Motion by Unanimous, Seconded by Unanimous

WHEREAS, in connection with the construction of Galleria Drive, some highway improvements (i.e., street lights, fencing) were constructed north of the dedicated right-of-way, and

WHEREAS, the Niagara Frontier Transportation Authority ("NFTA") is the owner of such property, and

WHEREAS, the NFTA has agreed to grant the Town a license to permit the installation of such improvements on NFTA property subject to the terms of the attached letter of agreement, and

WHEREAS, the terms of such agreement are acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached letter of agreement with the NFTA.

* See next page(s) for agreement

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

April 26, 1989

Item No. 10 Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individuals be and hereby are hired as part of the summer hiring program in the Facilities Department:

Parks Division - Acct. #01-7110-0001-1491 at \$4.35 per hour

Robert M. Mager
Christopher Kuhlmeier
Edward F. Stangret, Sr.
Mark Meszkotowicz
Paul Shaffer

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 Jaworowicz

WHEREAS, effective March 30, 1989, a vacancy was created in the position of Town Justice due to the retirement of Town Justice Henry R. Gabryszak, and

WHEREAS, this Town Board, pursuant to section 64(5) of the Town Law, has the authority to fill such vacancy in an elective office until January 1, 1990, and

WHEREAS, Thomas Kolbert has applied for such position, and

WHEREAS, Thomas Kolbert has over 20 years of experience working in the Town Justice Court, NOW, THEREFORE, BE IT

RESOLVED that Thomas Kolbert, Cheektowaga, New York 14227 be and hereby is appointed to the position of Town Justice, effective immediately and until January 1, 1990, at an annual salary of \$35,500.00.

Upon Roll Call....

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

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

WHEREAS, by resolution dated April 26, 1989, Thomas Kolbert, Clerk to the Justice Court, was appointed Town Justice for a term beginning April 26, 1989 and ending December 31, 1989, and

WHEREAS, Thomas Kolbert has requested a leave of absence from his position as Clerk to the Justice Court, NOW, THEREFORE, BE IT

RESOLVED that Thomas Kolbert be and hereby is granted a leave of absence from the position of Clerk to the Justice Court, effective immediately and terminating on December 31, 1989.

Upon Roll Call....

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

SPECIAL MEETING NO. 11
April 26, 1989

Item No. 13 Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, the Western New York Loyalty Day Committee will be holding its 10th Annual Loyalty Day Parade at 1:00 P.M. on Sunday, April 30, 1989, and

WHEREAS, the parade will form in the Towns of Cheektowaga and West Seneca, proceed to the Clinton Street City Line, march west on Clinton to Houghton Park and then disperse, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby given to the WNY Loyalty Day Committee to form its parade in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that for pedestrian and vehicular safety, the Chief of Police is hereby authorized to arrange for necessary traffic safety and escort services along the portion of the parade route located in the Town of Cheektowaga, and to insure compliance with the Vehicle & Traffic Law.

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 Councilman Johnson

BE IT RESOLVED that the firm of Strout & Skeels be and hereby is hired in the Council Office at the rate of \$5.75 per hour, and BE IT FURTHER

RESOLVED that such position be funded from line item number 01-1010-0001-1351.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 15 Motion by Councilman Johnson, Seconded by Councilman Kulyk to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 12 May 1, 1989

- 1 Rezoning at 2911 William Street from RA-Apartment Dist. to C-Retail Business District and Special Use Permit to operate hotel and entertainment complex
- 2 Rezoning at 3412 Broadway from M2-Light Mfg. Dist. to CM-General Commercial District

Meeting No. 13 May 15, 1989

- 1 Special Use Permit at 440 Cayuga Road for an increase in used cars allowed on property

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NO. 13

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NO. 12

NO. 13

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1st day of May, 1989 at 7:30 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; Chester Bryan, Town Engineer; Sal LaGreca, Employment and Training Director II; Chairman Planning Commission; Robert M. Lis, Chief of Police; Ron Marten, Building and Plumbing Inspector; Gerald Gabryszak, Community Development Director; Ralph Majchrowicz, Director of Administration and Finance; Casey Kozminski, Assessor.

I. RESOLUTIONS

Item No. 2a Bond - Highway Building

* See next page(s) for resolution

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

*

*

*

The Town Board
unanimously offered the following resolution
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE TOWN HIGHWAY GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$35,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$1,750 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$33,250 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to partially reconstruct the Town Highway Garage to provide for the construction of a spray booth and roof reconstruction, including the original furnishing, equipment, machinery and apparatus required for the purposes for which such building as so reconstructed is to be used. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$35,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,750 capital notes to provide the down payment required by the Law, as hereinafter

defined, and the issuance of \$33,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$1,750 to pay the required down payment, and serial bonds of the Town in the principal amount of \$33,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The existing building is at of least Class "C" construction as defined by Section 11.00 a.11(c) of the Law, and the period of probable usefulness of said specific objects or purposes for which said \$33,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(3) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of

sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

* * *

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

AYES:	7
NOES:	0

The resolution was declared adopted.

the Town Board Unanimously offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the partial reconstruction of the Town Highway Garage, stating the estimated maximum cost thereof is \$35,000, appropriating said amount therefor, authorizing the issuance of \$1,750 capital notes to provide the required down payment, and authorizing the issuance of \$33,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Town Highway Garage to provide for the construction of a spray booth and roof reconstruction, including the original furnishing, equipment, machinery and apparatus required for the purposes for which such building as so reconstructed is to be used; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$35,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$1,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$33,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,750 capital notes to provide the required down payment and \$33,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$33,250 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects

or purposes; and the proposed maturity of said \$33,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

*

*

*

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

AYES: 7

NOES: 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

Richard M. Moleski
Town Clerk

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

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

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

That on May 2, 1989, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond and capital note resolution duly adopted by the Town Board on May 1, 1989, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 4th day of May, 1989.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 1990

NO. 13

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the partial reconstruction of the Town Highway Garage, stating the estimated maximum cost thereof is \$35,000, appropriating said amount therefor, authorizing the issuance of \$1,750 capital notes to provide the required down payment, and authorizing the issuance of \$33,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Town Highway Garage to provide for the construction of a spray booth and roof reconstruction, including the original furnishing, equipment, machinery and apparatus required for the purposes for which such building as so reconstructed is to be used; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$35,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$1,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$33,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,750 capital notes to provide the required down payment and \$33,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$33,250 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects

or purposes; and the proposed maturity of said \$33,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... *5-4-89* ;
last publication..... *5-4-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this *4th*
day of *May*, 19 *89*
..... *Susan Mulcahy*
Notary public in and for Erie County, N. Y.

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19..... *FS*

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

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the partial reconstruction of the Town Highway Garage, stating the estimated maximum cost thereof is \$35,000, appropriating said amount therefor, authorizing the issuance of \$1,750 capital notes to provide the required down payment, and authorizing the issuance of \$33,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Town Highway Garage to provide the construction of a spray booth and roof reconstruction, including the original furnishing, equipment, machinery and apparatus required for the purposes for which such building as so reconstructed is to be used; and **STATING** the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$35,000; **APPROPRIATING** said amount therefor; **STATING** the plan of financing includes the issuance of \$1,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$33,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,750 capital notes to provide the required down payment and \$33,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific objects or purposes for which said \$33,250 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and **DIRECTING** the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$33,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 4, 1989

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

Scott Benson
....., 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..... JUN 01 1989 ;
last publication..... JUN 01 1989 ;
and that no more than six days intervened be-
tween publications.

Scott Benson
.....

JUN 01 1989

Sworn to before me this

day of, 19.....

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 1st of May 1989, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or

LEGAL NOTICES

purpose for which the Town of Cheektowaga, New York, is not authorized to expend money or if the provisions of law which should have been complied with as to the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of the notice or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI

Town Clerk

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE TOWN HIGHWAY GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$35,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$1,750 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$33,250 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to partially reconstruct the Town Highway Garage to provide for the construction of a spray booth and roof reconstruction, including the original furnishing, equipment, machinery and apparatus required for the purposes for which such building as so reconstructed is to be used. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$35,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,750 capital notes to provide the down payment required by Law, as hereinafter defined, and the issuance of \$33,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$1,750 to pay the required down payment, and serial bonds of the Town in the principal amount of \$33,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance

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

(a) The existing building is at least Class "C" construction as defined by Section 11.00 a.11(c) of the Law, and the period of probable usefulness of said specific objects or purposes for which said \$33,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a.12(a)(3) of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 for 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 and capital note resolution is subject to permissive referendum.

PUBLISH: June 1, 1989

MEETING NO. 12
May 1, 1989

Item No. 2b Bond - Highway Equipment.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

NO. 13

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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the Town Board Unanimously offered the following resolution
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN
OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989,
AUTHORIZING THE PURCHASE OF EQUIPMENT,
MACHINERY AND APPARATUS FOR USE BY THE TOWN
HIGHWAY DEPARTMENT, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$615,000,
APPROPRIATING SAID AMOUNT THEREFOR,
AUTHORIZING THE ISSUANCE OF \$30,750 CAPITAL
NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT,
AND AUTHORIZING THE ISSUANCE OF \$584,250
SERIAL BONDS OF SAID TOWN TO FINANCE THE
BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase the following equipment, machinery and apparatus for use
by the Town Highway Department: (i) five (5) dump trucks with
snow plow attachments, at the estimated maximum cost of \$450,000;
(ii) a sweeper, at the estimated maximum cost of \$85,000; (iii) a
mini excavator, at the estimated maximum cost of \$40,000; and
(iv) a leaf picker, at the estimated maximum cost of \$40,000.
The estimated maximum cost of said specific objects or purposes,
including preliminary costs and costs incidental thereto and the

financing thereof, is \$615,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$30,750 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$584,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$30,750 to pay the required down payment, and serial bonds of the Town in the principal amount of \$584,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$584,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the

issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

* * *

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

AYES:	7
NOES:	0

The resolution was declared adopted.

the Town Board Unanimously offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the purchase of equipment, machinery and apparatus for use by the Town Highway Department, stating the estimated maximum cost thereof is \$615,000, appropriating said amount therefor, authorizing the issuance of \$30,750 capital notes to provide the required down payment, and authorizing the issuance of \$584,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase the following equipment, machinery and apparatus for use by the Town Highway Department: (i) five (5) dump trucks with snow plow attachments, at the estimated maximum cost of \$450,000; (ii) a sweeper, at the estimated maximum cost of \$85,000; (iii) a mini excavator, at the estimated maximum cost of \$40,000; and (iv) a leaf picker, at the estimated maximum cost of \$40,000; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$615,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$30,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$584,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$30,750 capital notes to provide the required down payment and \$584,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$584,250 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital

NO. 13

notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$584,250 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES: 7

NOES: 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

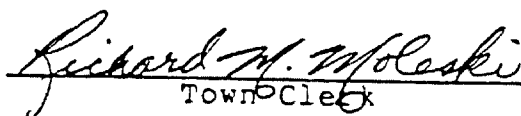
Richard M. Moleski
Town Clerk

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

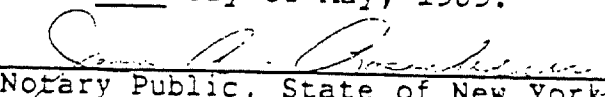
RICHARD M. MOLESKI, being duly sworn, deposes and says:

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

That on May 4th, 1989, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond and capital note resolution duly adopted by the Town Board on May 1, 1989, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.


Town Clerk

Subscribed and sworn to before me
this 4th day of May, 1989.


Notary Public, State of New York
JEMI A. ROSENBERY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the purchase of equipment, machinery and apparatus for use by the Town Highway Department, stating the estimated maximum cost thereof is \$615,000, appropriating said amount therefor, authorizing the issuance of \$30,750 capital notes to provide the required down payment, and authorizing the issuance of \$584,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase the following equipment, machinery and apparatus for use by the Town Highway Department: (i) five (5) dump trucks with snow plow attachments, at the estimated maximum cost of \$450,000; (ii) a sweeper, at the estimated maximum cost of \$85,000; (iii) a mini excavator, at the estimated maximum cost of \$40,000; and (iv) a leaf picker, at the estimated maximum cost of \$40,000; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$615,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$30,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$584,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$30,750 capital notes to provide the required down payment and \$584,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$584,250 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital

notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$584,250 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... *5-4-89* ;
last publication..... *5-4-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *4th*.....

day of *May*....., 19 *89*

..... *Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19 *89*

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

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the purchase of equipment, machinery and apparatus for use by the Town Highway Dept., stating the estimated maximum cost thereof is \$615,000, appropriating said amount therefor, authorizing the issuance of \$30,750 capital notes to provide the required down payment, and authorizing the issuance of \$584,250 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase the following equipment, machinery and apparatus for use by the Town Highway Department: (i) five (5) dump trucks with snow plow attachments, at the estimated maximum cost of \$450,000; (ii) a sweeper, at the estimated maximum cost of \$85,000; (iii) a mini excavator, at the estimated maximum cost of \$40,000; and (iv) a leaf picker, at the estimated maximum cost of \$40,000; and **STATING** the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$615,000; **APPROPRIATING** said amount therefor; **STATING** the plan of financing includes the issuance of \$30,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$584,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$30,750 capital notes to provide the required down payment and \$584,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific objects or purposes for which said \$584,250 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and **DIRECTING** the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes, and the proposed maturity of said \$584,250 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 4, 1989

2B

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

Scott Benson

....., 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..... JUN 01 1989 ;
last publication..... JUN 01 1989 ;
and that no more than six days intervened be-
tween publications.

.....
Scott Benson
.....

Sworn to before me this JUN 01 1989

day of, 19.....

.....
Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE**

The resolution published herewith has been adopted on the 1st of May 1989, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of 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, New York, is not authorized to expend money or if the provisions of law which should have been complied with as to the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of the notice or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

**BOND AND CAPITAL NOTE
RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK,
ADOPTED MAY 1, 1989, AUTHORIZING
THE PURCHASE OF EQUIP-
MENT, MACHINERY AND APPA-
RATUS FOR USE BY THE TOWN
HIGHWAY DEPARTMENT, STAT-
ING THE ESTIMATED MAXIMUM
COST THEREOF IS \$615,000, AP-
PROPRIATING SAID AMOUNT
THEREFOR, AUTHORIZING THE
ISSUANCE OF \$30,750 CAPITAL
NOTES TO PROVIDE THE RE-
QUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE
OF \$584,250 SERIAL BONDS OF
SAID TOWN TO FINANCE THE
BALANCE OF SAID APPROPRIA-
TION.**

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase the following equipment, machinery and apparatus for use by the Town Highway Department: (i) five (5) dump trucks with snow plow attachments, at the estimated maximum cost of \$450,000; (ii) a sweeper, at the estimated maximum cost of \$85,000; (iii) a mini excavator, at the estimated maximum cost of

\$40,000; and (iv) a leaf picker, at the estimated maximum cost of \$40,000. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$615,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$30,750 capital notes to provide the down payment required by Law, as hereinafter defined, and the issuance of \$584,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$30,750 to pay the required down payment, and serial bonds of the Town in the principal amount of \$584,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$584,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 50.00 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

PUBLISH: June 1, 1989

MEETING NO. 12
May 1, 1989

Item No. 2c Bond - Highway Equipment.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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the Town Board Unanimously offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE
PURCHASE OF MACHINERY AND APPARATUS FOR USE BY
THE TOWN HIGHWAY DEPARTMENT, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$45,500,
APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$45,500 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase the following machinery and apparatus for use by the
Town Highway Department: (i) two (2) pick-up trucks, at the
estimated maximum cost of \$26,000; (ii) a chipper, at the
estimated maximum cost of \$14,000; and (iii) a roller at the
estimated maximum cost of \$5,500. The estimated maximum cost of
said specific objects or purposes, including preliminary costs
and costs incidental thereto and the financing thereof, is
\$45,500 and said amount is hereby appropriated therefor. The
plan of financing includes the issuance of \$45,500 serial bonds
of the Town to finance said appropriation, and the levy and
collection of taxes on all the taxable real property in the Town

to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$45,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$45,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation 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

NO. 13

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

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

AYES: 7

NOES: 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks;
first publication.....*5-4-89*..... ;
last publication.....*5-4-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this*2*th.....
day of*May*....., 19*89*.....
.....*Susan Mulcahy*.....
Notary public in and for Erie County, N. Y.

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

The resolution was declared
adopted.
PUBLISH: May 4, 1989

No. 13

**LEGAL NOTICE
NOTICE**

The resolution published herewith has been adopted on the 1st day of May, 1989, 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 the 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 MAY 1, 1989, AUTHORIZING THE PURCHASE OF MACHINERY AND APPARATUS AND FOR USE BY THE TOWN HIGHWAY DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$45,500, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$45,500 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase the following machinery and apparatus for use by the Town Highway Department: (i) two (2) pick-up trucks, at the estimated maximum cost of \$26,000; (ii) a chipper, at the estimated maximum cost of \$14,000; (iii) a roller at the estimated maximum cost of \$5,500. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$45,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$45,500 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$45,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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

(a) The period of probable usefulness of said specific objects or pur-

poses for which said \$45,500 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and

contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

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

AYES:

NOES:

The resolution was declared adopted.

PUBLISH: May 4, 1989

MEETING NO. 12
May 1, 1989

Item No. 2d Bond - Town Drainage.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

NO. 13

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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the Town Board Unanimously offered the following resolution
and moved its adoption:

NO. 13

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$550,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$27,500 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$522,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to construct various drainage improvements in said Town, including (i) the Southwest Drainage Project consisting of the construction of drainage structures and other improvements to improve drainage along William, Dingin, and Clinton Streets; (ii) the U Crest South Drainage Project consisting of the construction of improvements to the drainage tributary parallel to the existing drainage ditch; and (iii) construction of improvements to the Scajaquada Creek Tributary; including land or rights in land, original furnishings, equipment, machinery and apparatus. The

NO. 13

estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$27,500 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$522,500 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$27,500 to pay the required down payment, and serial bonds of the Town in the principal amount of \$522,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$522,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this

resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

the Town Board Unanimously offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the construction of various drainage improvements in said Town, stating the estimated maximum cost thereof is \$550,000, appropriating said amount therefor, authorizing the issuance of \$27,500 capital notes to provide the required down payment, and authorizing the issuance of \$522,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct various drainage improvements in said Town, including (i) the Southwest Drainage Project consisting of the construction of drainage structures and other improvements to improve drainage along William, Dingin, and Clinton Streets; (ii) the U Crest South Drainage Project consisting of the construction of improvements to the drainage tributary parallel to the existing drainage ditch; and (iii) construction of improvements to the Scajaguada Creek Tributary; including land or rights in land, original furnishings, equipment, machinery and apparatus; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$27,500 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$522,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$27,500 capital notes to provide the required down payment and \$522,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$522,500 serial bonds are to be issued is thirty (30) years; current funds are required by the Law to be provided prior to the

NO. 13

issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$522,500 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

NO. 13

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

*

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*

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

AYES: 7

NOES: 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

Richard M. Moleski
Town Clerk

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

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

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

That on May 2nd, 1989, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond and capital note resolution duly adopted by the Town Board on May 1, 1989, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 4th day of May, 1989.

Jean A. Rosenberry
Notary Public, State of New York
JEAN A. ROSENBERRY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the construction of various drainage improvements in said Town, stating the estimated maximum cost thereof is \$550,000, appropriating said amount therefor, authorizing the issuance of \$27,500 capital notes to provide the required down payment, and authorizing the issuance of \$522,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct various drainage improvements in said Town, including (i) the Southwest Drainage Project consisting of the construction of drainage structures and other improvements to improve drainage along William, Dingen, and Clinton Streets; (ii) the U Crest South Drainage Project consisting of the construction of improvements to the drainage tributary parallel to the existing drainage ditch; and (iii) construction of improvements to the Scajaquada Creek Tributary; including land or rights in land, original furnishings, equipment, machinery and apparatus; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$27,500 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$522,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$27,500 capital notes to provide the required down payment and \$522,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$522,500 serial bonds are to be issued is thirty (30) years; current funds are required by the Law to be provided prior to the

issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$522,500 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication.....*5-4-89*..... ;
last publication.....*5-4-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
Sworn to before me this*4th*.....
day of*May*....., 19*89*.....
.....*Susan Mulcahy*.....
Notary public in and for Erie County, N. Y.

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

NO. 13

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

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the construction of various drainage improvements in said Town, stating the estimated maximum cost thereof is \$550,000, appropriating said amount therefor, authorizing the issuance of \$27,500 capital notes to provide the required down payment, and authorizing the issuance of \$522,500 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct various drainage improvements in said Town, including (i) the Southwest Drainage Project consisting of the construction of drainage structures and other improvements to improve drainage along William, Dingens, and Clinton Streets; (ii) the U Crest South Drainage Project consisting of the construction of improvements to the drainage tributary parallel to the existing drainage ditch; and (iii) construction of improvements to the Scajaquada Creek Tributary; including land or rights in land, original furnishings, equipment, machinery and apparatus; and **STATING** the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, if \$550,000; **AP PROPRIATING** said amount therefor; **STATING** the plan of financing includes the issuance of \$27,500 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$522,500 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$27,500 capital notes to provide the required down payment and \$522,500 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific objects or purposes for which said \$522,500 serial bonds are to be issued is thirty (30) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and **DIRECTING** the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$522,500 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 4, 1989

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

Scott Benson

....., 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..... JUN. 01 1989..... ;
last publication..... JUN. 01 1989..... ;
and that no more than six days intervened be-
tween publications.

..... Scott Benson

Sworn to before me this JUN 01 1989...

day of, 19.....

..... Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

NO. 13

LEGAL NOTICE NOTICE

The resolution published herewith has been adopted on the 1st of May 1989, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of 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, New York, is not authorized to expend money or if the provisions of law which should have been complied with as to the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of the notice or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$550,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$27,500 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$522,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to construct various drainage improvements in said Town, including (i) the Southwest Drainage Project consisting of the construction of drainage structures and other improvements to improve drainage along William, Dingens, and Clinton Streets; (ii) the U Crest South Drainage Project consisting of the construction of improvements to the drainage tributary parallel to the existing drainage ditch; and (iii) construction of improvements to the Scajaquada Creek Tributary, including land or rights in land, original furnishings, equipment, machinery and apparatus. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$27,500 capital notes to provide the down payment required by Law, as hereinafter defined, and the issuance of \$522,500 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$27,500 to pay the required down payment, and serial bonds of the Town in the principal

amount of \$522,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$522,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

PUBLISH: June 1, 1989

MEETING NO. 12
May 1, 1989

Item No. 2e Bond - Alexander Street School.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

May 1, 1989

* * *

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 May 1, 1989 at 7.30 o'clock p.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

* * *

the Town Board Unanimously offered the following resolution
and moved its adoption:

NO. 13

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE PARTIAL RECONSTRUCTION AND CONSTRUCTION OF IMPROVEMENTS TO THE ALEXANDER STREET SCHOOL BUILDING WITHIN THE TOWN, PHASE 2, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$155,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$7,750 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$147,250 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to partially reconstruct and construct improvements to the Alexander Street School Building within the Town, Phase 2 of such project, including the original furnishings, equipment, machinery and apparatus required for the purposes for which said building as so reconstructed and improved is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$155,000 and said amount is hereby appropriated therefor. The

plan of financing includes the issuance of \$7,750 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$147,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$7,750 to pay the required down payment, and serial bonds of the Town in the principal amount of \$147,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The existing building is of Class "A" construction as defined by Section 11.00 a. 11(a) of the Law, and the period of probable usefulness of said specific object or purpose for which said \$147,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor

is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific object or purpose herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

the Town Board Unanimously offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the partial reconstruction and construction of improvements to the Alexander Street School Building within the Town, Phase 2, stating the estimated maximum cost thereof is \$155,000, appropriating said amount therefor, authorizing the issuance of \$7,750 capital notes to provide the required down payment, and authorizing the issuance of \$147,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct and construct improvements to the Alexander Street School Building within the Town, Phase 2 of such project, including the original furnishings, equipment, machinery and apparatus required for the purposes for which said building as so reconstructed and improved is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$155,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$7,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$147,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$7,750 capital notes to provide the required down payment and \$147,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the existing building is of Class "A" construction and the period of probable usefulness of the specific object or purpose for which said \$147,250 serial bonds are to be issued is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and

DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$147,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

*

*

*

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

AYES: 7

NOES: 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

Richard M. Moleski
Town Clerk

No. 13

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

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

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

That on May 2nd 1989, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond and capital note resolution duly adopted by the Town Board on May 1, 1989, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 4th day of May, 1989.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 19 90

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the partial reconstruction and construction of improvements to the Alexander Street School Building within the Town, Phase 2, stating the estimated maximum cost thereof is \$155,000, appropriating said amount therefor, authorizing the issuance of \$7,750 capital notes to provide the required down payment, and authorizing the issuance of \$147,250 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct and construct improvements to the Alexander Street School Building within the Town, Phase 2 of such project, including the original furnishings, equipment, machinery and apparatus required for the purposes for which said building as so reconstructed and improved is to be used; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$155,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$7,750 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$147,250 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$7,750 capital notes to provide the required down payment and \$147,250 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the existing building is of Class "A" construction and the period of probable usefulness of the specific object or purpose for which said \$147,250 serial bonds are to be issued is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and

DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$147,250 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication.....*5-4-89*..... ;
last publication.....*5-4-89*..... ;
and that no more than six days intervned be-
tween publications.

Amy C. Meyers.....

Sworn to before me this*4th*.....

day of*May*....., 19.....*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19.....*89*

**LEGAL NOTICE
NOTICE**

The resolution published herewith has been adopted on the 1st of May 1989, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of 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, New York, is not authorized to expend money or if the provisions of law which should have been complied with as to the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of the notice or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

**BOND AND CAPITAL NOTE
RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK,
ADOPTED MAY 1, 1989, AUTHORIZING
THE PARTIAL RECONSTRUCTION AND
CONSTRUCTION OF IMPROVEMENTS TO
THE ALEXANDER STREET
SCHOOL BUILDING WITHIN THE
TOWN, PHASE 2 STATING THE
ESTIMATED MAXIMUM COST
THEREOF IS \$155,000. APPROPRI-**

**ATING SAID AMOUNT THERE-
FOR, AUTHORIZING THE ISSU-
ANCE OF \$7,750 CAPITAL NOTES
TO PROVIDE THE REQUIRED
DOWN PAYMENT, AND AUTH-
ORIZING THE ISSUANCE OF
\$147,250 SERIAL BONDS OF SAID
TOWN TO FINANCE THE BAL-
ANCE OF SAID APPROPRIATION.**

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to partially reconstruct and construct improvements to the Alexander Street School Building within the Town, Phase 2 of such project, including the original furnishings, equipment, machinery and apparatus required for the purposes for which said building as so reconstructed and proved is to be used. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$155,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$7,750 capital notes to provide the down payment required by Law, as hereinafter defined, and the issuance of \$147,250 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$7,750 to pay the required down payment, and serial bonds of the Town in the principal amount of \$147,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The existing building is of Class "A" construction as defined by Section 11.00 a. 11(a) of the Law, and the period of probable usefulness of said specific objects or purposes for which said \$147,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

PUBLISH: June 1, 1989

MEETING NO. 12
May 1, 1989

Item No. 2f Bond - Recreation equipment, playground equipment & Veteran's
Memorial.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock p.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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the Town Board Unanimously offered the following resolution
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN
OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989,
AUTHORIZING THE ORIGINAL IMPROVEMENT AND
EMBELLISHMENT OF VARIOUS TOWN PARKS AND
RECREATIONAL AREAS, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$123,000,
APPROPRIATING SAID AMOUNT THEREFOR,
AUTHORIZING THE ISSUANCE OF \$6,150 CAPITAL
NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT,
AND AUTHORIZING THE ISSUANCE OF \$116,850
SERIAL BONDS OF SAID TOWN TO FINANCE THE
BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
originally improve and embellish various Town parks and
recreational areas, including (i) construction of improvements to
the recreation water slide at Cheektowaga Town Park, at the
estimated maximum cost of \$50,000; (ii) construction of a
Veteran's Memorial at Cheektowaga Town Park, at the estimated
maximum cost of \$53,000; and (iii) the purchase and installation
of playground equipment at various parks and recreational areas
throughout the Town, at the estimated maximum cost of \$20,000.

The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$123,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$6,150 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$116,850 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$6,150 to pay the required down payment, and serial bonds of the Town in the principal amount of \$116,850, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$116,850 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this

resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

the Town Board Unanimously offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the original improvement and embellishment of various Town Parks and Recreational Areas, stating the estimated maximum cost thereof is \$123,000, appropriating said amount therefor, authorizing the issuance of \$6,150 capital notes to provide the required down payment, and authorizing the issuance of \$116,850 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish various Town parks and recreational areas, including (i) construction of improvements to the recreation water slide at Cheektowaga Town Park, at the estimated maximum cost of \$50,000; (ii) construction of a Veteran's Memorial at Cheektowaga Town Park, at the estimated maximum cost of \$53,000; and (iii) the purchase and installation of playground equipment at various parks and recreational areas throughout the Town, at the estimated maximum cost of \$20,000; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$123,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$6,150 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$116,850 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$6,150 capital notes to provide the required down payment and \$116,850 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$116,850 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the

issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$116,850 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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

AYES: 7
NOES: 0

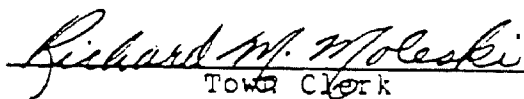
The resolution was declared adopted.

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)


Town Clerk

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the original improvement and embellishment of various Town Parks and Recreational Areas, stating the estimated maximum cost thereof is \$123,000, appropriating said amount therefor, authorizing the issuance of \$6,150 capital notes to provide the required down payment, and authorizing the issuance of \$116,850 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish various Town parks and recreational areas, including (i) construction of improvements to the recreation water slide at Cheektowaga Town Park, at the estimated maximum cost of \$50,000; (ii) construction of a Veteran's Memorial at Cheektowaga Town Park, at the estimated maximum cost of \$53,000; and (iii) the purchase and installation of playground equipment at various parks and recreational areas throughout the Town, at the estimated maximum cost of \$20,000; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$123,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$6,150 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$116,850 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$6,150 capital notes to provide the required down payment and \$116,850 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$116,850 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the

issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$116,850 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication..... *5-4-89* ;
last publication..... *5-4-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *4th*.....

day of *May*....., 19*89*.....

Susan Mulcahy.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

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

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the original improvement and embellishment of various Town Parks and Recreational Areas, stating the estimated maximum cost thereof is \$123,000, appropriating said amount therefor, authorizing the issuance of \$6,150 capital notes to provide the required down payment, and authorizing the issuance of \$116,850 serial bonds of said Town to finance the balance of said appropriation."

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to originally improve and embellish various Town parks and recreational areas, including (i) construction of improvement to the recreation water slide at the Cheektowaga Town Park, at the estimated maximum cost of \$50,000; (ii) construction of a Veteran's Memorial at Cheektowaga Town Park, at the estimated maximum cost of \$53,000; and (iii) the purchase and installation of playground equipment at various parks and recreational areas throughout the Town, at the estimated maximum cost of \$20,000; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, if \$123,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$6,150 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$116,850 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$6,150 capital notes to provide the required down payment and \$116,850 serial bonds of the Town

pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$116,850 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$116,850 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 4, 1989

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

..... Scott Benson, 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 JUN 01 1989 ;
last publication JUN 01 1989 ;
and that no more than six days intervened be-
tween publications.

..... Scott Benson

Sworn to before me this JUN 01 1989

day of, 19.....

..... Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE**

The resolution published herewith has been adopted on the 1st of May 1989, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of 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, New York, is not authorized to expend money or if the provisions of law which should have been complied with as to the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within the time of the notice or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

**BOND AND CAPITAL NOTE
RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK,
ADOPTED MAY 1, 1989, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF VARIOUS TOWN PARKS AND RECREATIONAL AREAS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$123,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$6,150 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$116,850 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.**

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to originally improve and embellish various Town parks and recreational areas, including (i) construction of improvements to the recreational water slide at Cheektowaga Town Park, at the estimated maximum cost of \$50,000 (ii) construction of a Veteran's Memorial at Cheektowaga Town Park, at the estimated maximum cost of \$53,000; and (iii) the purchase and installation of playground equipment at various parks and recreational areas throughout the Town, at the estimated maximum cost of \$20,000. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$123,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$6,150 capital notes to provide the down payment required by Law, as hereinafter defined, and the issuance of \$116,850 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$6,150 to pay the required down payment, and serial bonds of the Town in the principal

LEGAL NOTICES

amount of \$116,850, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$116,850 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a, 19(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

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

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 30.00 relative to the authorization of the issuance of bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 for 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 and capital note resolution is subject to permissive referendum.

PUBLISH: June 1, 1989

Item No. 2g Bond - Miscellaneous Equipment.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock p.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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the Town Board Unanimously offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE
PURCHASE OF VEHICLES, MACHINERY, APPARATUS AND
FURNISHINGS FOR USE BY VARIOUS TOWN
DEPARTMENTS, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$585,000, APPROPRIATING SAID
AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE
OF \$585,000 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase (i) ten (10) police vehicles for use by the Town Police
Department to replace similar vehicles in service for one year or
more, at the estimated maximum cost of \$155,000; (ii) various
office equipment and furnishings for use by the Town Police
Department, at the estimated maximum cost of \$200,000; (iii)
various equipment, machinery and apparatus for use by the Town
Parks Department, at the estimated maximum cost of \$100,000; (iv)
various office furnishings, equipment, machinery and apparatus
for use by the Town, at the estimated maximum cost of \$75,000;
and (v) software for the Town-wide computer system at the
estimated maximum cost of \$55,000. The estimated maximum cost of

said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$585,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$585,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$585,000, 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 objects or purposes authorized pursuant to Section 1(i) of this resolution and for which \$155,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 77 of the Law, is three (3) years. The period of probable usefulness of said specific objects or purposes authorized pursuant to Sections 1(ii) to (v), inclusive, of this resolution and for which \$430,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to

60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

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

AYES: 7

NOES: 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

Richard M. Moleski
Town Clerk

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

Amy C. Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *5-4-89* ;
last publication..... *5-4-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *4th*.....

day of *May*....., 19 *89*.....

..... *Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19 *89*

Section 2. Serial bonds of the Town the principal amount of \$585,000, hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33 of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

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

(a) The period of probable usefulness of said specific objects or purposes authorized pursuant to Section 1 (i) of this resolution and for which \$55,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 77 of the Law, is three (3) years. The period of probable usefulness of said specific objects or purposes authorized pursuant to Section 1 (ii) to (v), inclusive, of this resolution and for which \$430,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution shall not exceed five (5) years.

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

**LEGAL NOTICE
NOTICE**

The resolution published herewith has been adopted on the 1st day of May, 1989, 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 the 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 MAY 1, 1989, AUTHORIZING THE PURCHASE OF VEHICLES, MACHINERY AND APPARATUS AND FURNISHINGS FOR USE BY VARIOUS TOWN DEPARTMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$585,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$585,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase (i) ten (10) police vehicles for use by the Town Police Department to replace similar vehicles in service for one year or more, at the estimated maximum cost of \$155,000; (ii) various office equipment and furnishings for use by the Town Police Department, at the estimated maximum cost of \$200,000; (iii) various equipment, machinery and apparatus for use by the Town Parks Department, at the estimated maximum cost of \$100,000; (iv) various office furnishings, equipment, machinery and apparatus for use by the Town, at the estimated maximum cost of \$75,000; and (v) software for the Town-wide computer system at the estimated maximum cost of \$55,000. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$585,000 and said amount is hereby appropriated herefor. The plan of financing includes the issuance of \$585,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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 bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

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

**AYES:
NOES:**

The resolution was declared adopted.

PUBLISH: May 4, 1989

MEETING NO. 12
May 1, 1989

Item No. 2h Bond - Highway Equipment.

* See next page(s) for resolution.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

May 1, 1989

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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 May 1, 1989 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Frank E. Swiatek, Supervisor;
and

Councilpersons: Thomas M.. Johnson, Jr.
Patricia A. Jaworiwicz
Dennis H. Gabryszak
Andrew A. Kulyk
Leo T. Kazukiewicz
Richard B. Solecki

There were absent:

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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the Town Board Unanimously offered the following resolution
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 1, 1989, AUTHORIZING THE PURCHASE OF EQUIPMENT, MACHINERY AND APPARATUS FOR USE BY THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$94,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$4,700 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$89,300 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase the following equipment, machinery and apparatus for use by the Town; (i) a bulldozer, at the estimated maximum cost of \$50,000; and (ii) a slope mower, at the estimated maximum cost of \$44,000. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$94,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,700 capital notes to provide the down payment required by the Law, as hereinafter

defined, and the issuance of \$89,300 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$4,700 to pay the required down payment, and serial bonds of the Town in the principal amount of \$89,300, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$89,300 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond

anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 and capital note resolution is subject to permissive referendum.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

the Town Board Unanimously offered the following resolution and moved its adoption:

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Cheektowaga, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the purchase of equipment, machinery and apparatus for use by the Town, stating the estimated maximum cost thereof is \$94,000, appropriating said amount therefor, authorizing the issuance of \$4,700 capital notes to provide the required down payment, and authorizing the issuance of \$89,300 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to purchase the following equipment, machinery and apparatus for use by the Town:

(i) a bulldozer, at the estimated maximum cost of \$50,000; and (ii) a slope mower, at the estimated maximum cost of \$44,000; and STATING the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$94,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$4,700 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$89,300 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$4,700 capital notes to provide the required down payment and \$89,300 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$89,300 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects

or purposes; and the proposed maturity of said \$89,300 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

*

*

*

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

AYES 7

NOES 0

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 May 1, 1989, 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 1st day of May, 1989.

(SEAL)

Richard M. Moleski
Town Clerk

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

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

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

That on May 22, 1989, he has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond and capital note resolution duly adopted by the Town Board on May 1, 1989, a copy of which is annexed hereto and made a part hereof on the sign board of the Town maintained pursuant to the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me
this 27 day of May, 1989.

John A. Rosenberry
Notary Public, State of New York

JOHN A. ROSENBERY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 1990

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

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SECOND: AUTHORIZING the issuance of \$4,700 capital notes to provide the required down payment and \$89,300 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$89,300 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects

or purposes; and the proposed maturity of said \$89,300 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted May 1, 1989, authorizing the purchase of equipment, machinery and apparatus for use by the Town, stating the estimated maximum cost thereof is \$94,000, appropriating said amount therefor, authorizing the issuance of \$4,700 capital notes to provide the required down payment, and authorizing the issuance of \$89,300 serial bonds of said Town to finance the balance of said appropriation,"

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SECOND: AUTHORIZING the issuance of \$4,700 capital notes to provide the required down payment and \$89,300 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific objects or purposes for which said \$89,300 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects

or purposes; and the proposed maturity of said \$89,300 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: May 1, 1989

Richard M. Moleski
Town Clerk

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

Amy C Meyers....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *5-4-89*..... ;
last publication..... *5-4-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

Sworn to before me this *4th*.....

day of *May*....., 19*89*.....

..... *Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

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

PLEASE TAKE NOTICE that on May 1, 1989, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

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(i) a bulldozer, at the estimated maximum cost of \$50,000; and (ii) a slope mower, at the estimated maximum cost of \$44,000; and **STATING** the estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$94,000; **APPROPRIATING** said amount therefor; **STATING** the plan of financing includes the issuance of \$4,700 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$89,300 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$4,700 capital notes to provide the required down payment and \$89,300 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and **STATING** the period of probable usefulness of the specific objects or purposes for which said \$89,300 serial bonds are to be issued is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and **DIRECTING** the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$89,300 serial bonds will not exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

RICHARD M. MOLESKI
Town Clerk

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

.....Scott Benson....., 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..... JUN 01 1989..... ;
last publication..... JUN 01 1989..... ;
and that no more than six days intervened be-
tween publications.

.....Scott Benson.....

Sworn to before me this JUN 01 1989.....

day of, 19.....

.....Eve J. Allis.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE**

The resolution published herewith has been adopted on the 1st of May 1989, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of 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, New York, is not authorized to expend money or if the provisions of law which should have been complied with as to the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of the notice or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

**BOND AND CAPITAL NOTE
RESOLUTION OF THE TOWN OF
CHEEKTOWAGA, NEW YORK,
ADOPTED MAY 1, 1989, AUTHORIZING THE PURCHASE OF EQUIPMENT, MACHINERY AND APPARATUS FOR USE BY THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$94,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$4,700 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$89,300 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.**

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

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to purchase the following equipment, machinery and apparatus for use by the Town: (i) a bulldozer, at the estimated maximum cost of \$50,000; and (ii) a slope mower, at the estimated maximum cost of \$44,000. The estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$94,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,700 capital notes to provide the payment required by Law, as hereinafter defined, and the issuance of \$89,300 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$4,700 to pay the required down payment, and serial bonds of the Town in the principal amount of \$89,300, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific objects or purposes for which said \$89,300 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the capital notes and each of the serial 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 capital notes and 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 capital notes and 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 capital notes and 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 capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and 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 for 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 and capital note resolution is subject to permissive referendum.

PUBLISH: June 1, 1989

Item No. 3 Motion by Councilman Johnson Seconded by Councilman Kulyk

WHEREAS, this Town Board held a public hearing on April 17, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

A. No Parking

CLEVELAND DRIVE south side From a point 228+ feet west of the west curblin
of Highview Road to a point 308+ feet west of the
west curblin of Highview Road, a distance of
80+ feet.

Section 2. Time to take effect.

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

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

Section 3. Territorial Application

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

Section 4. Publication.

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

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

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..... *5-4-89* ;
last publication..... *5-4-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *4th*

day of *May*, 19 *89*

..... *Susan Mulcahy*

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19 *89*

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 1st day of May, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving 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 Kulyk

WHEREAS, this Town Board held a public hearing on April 17, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

**A. No parking
CLEVFLAND DRIVE**

south side
from a point 228 +/- feet west of the west curbline of Highview Road to a point 308 +/- feet west of the west curbline of Highview Road, a distance of 80 +/- feet.

Section 2. Time to take effect.

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

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

Section 3. Territorial Application.

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

Section 4. Publication.

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

of adoption thereof.

Upon roll call.....
Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting AYE
Councilman Solecki Voting AYE
**AYES: 7
NAYES: 0
ABSENT: 0**

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY 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 May 1, 1989, 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 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 1st day of May, 1989.

**RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 4, 1989**

MEETING NO. 12
May 1, 1989

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

WHEREAS, Joseph D. Meiler has made application and requested a Special Use Permit for an increase in used cars allowed on property located at 440 Cayuga Road, with the permission of the owner of the property, namely Isabelle Limardi, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on May 15, 1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

.....*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 for¹..... weeks:
first publication.....*5-4-89*..... ;
last publication.....*5-4-89*..... ;
and that no more than six days intervened be-
tween publications.

.....*Amy C. Meyers*.....

Sworn to before me this*4th*.....

day of*May*....., 19*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 15th day of May, 1989 at 7:00 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of John D. Meiler for a Special Permit to increase used car lot on property located at 440 Cayuga Rd. @ Cleveland Dr. pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

PUBLISH: May 4, 1989

All that tract or parcel of land situated in the Town of Cheektowaga, County of Erie and State of New York, described as follows:

Being subdivision Lots Number 68 and 66 as shown on Map Cover No. 1628 and filed in the Erie County Clerk's Office and being situated at the Northwest corner of Cayuga Road, and Cleveland Drive and having a frontage of 140.17 feet on Cayuga Road, said map having filed in the Erie County Clerk's Office on April 2, 1941.

MEETING NO. 12
May 1, 1989

Item No. 5a Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga is sponsoring two (2) summer day camps for developmentally disabled children ("Camp Crabapple" and "Camp JI-IK-DO-WAH-GAH") from July 5, 1989 to August 11, 1989, and

WHEREAS, it is necessary that bus transportation be provided to transport these developmentally disabled children to and from Camp Crabapple and Camp JI-IK-DO-WAH-GAH, and

WHEREAS, Section 103 of the General Municipal Law of the State of New York requires certain municipal contracts to be awarded only after competitive bidding, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for furnishing of the aforesaid bus transportation to be provided from July 5, 1989 to August 11, 1989, said Notice shall be published in the May 11, 1989 issue of the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bid proposals will be accepted at the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York until 11:00 a.m. on Wednesday, May 31, 1989, and BE IT FURTHER

RESOLVED that the Cheektowaga Town Clerk is hereby designated to publicly open and read sealed bid proposals at 11:00 a.m. on Wednesday, May 31, 1989.

* * * * *

NOTICE TO BIDDERS
PROPOSALS

Sealed bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York, until 11:00 a.m. Eastern Daylight Time, on Wednesday, May 31, 1989, for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the Alexander Street Community Center, Alexander Avenue, (near Straley Avenue) Cheektowaga, New York. Included in the bid should be the use of three full size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1989 through August 11, 1989. Arrival time at camp is scheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained from the camp's Program Coordinator at the Cheektowaga Youth Bureau (810 Losson Road) 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 low bidder, should it be in the best interests of the Town, or reject any and all bids.

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

Richard Moleski
Town Clerk

DATED: May 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 ¹ weeks:
first publication..... *4-11-89* ;
last publication..... *4-11-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this *12th*

day of *May*, 19*89*

..... *Susan Mulcahy*

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19*89*

**LEGAL NOTICE
NOTICE TO BIDDERS
PROPOSALS**

Scaled bid proposals will be received and considered at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York, until 11:00 a.m. Eastern Daylight Time, Wednesday, May 31, 1989 for the furnishing of daily transportation to and from two day camp programs for developmentally disabled children and learning disabled children to be located at the Alexander Street Community Center, Alexander Avenue, (near Straley Avenue) Cheektowaga, New York. Included in the bid should be the use of three full size school buses and one wheel chair van. Please bid separately on the buses and on the wheel chair van, which will be utilized only if warranted by enrollment. Clients will be transported from the Cheektowaga, Sloan and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1989 through August 11, 1989. Arrival time at camp is scheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained from the camp's Program Coordinator at the Cheektowaga Youth Bureau (810 Losson Road) 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 low bidder, should it be in the best interests of the Town or reject any and all bids.

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

**Richard Moleski
Town Clerk**

PUBLISH: May 11, 1989

MEETING NO. 12
May 1, 1989

Item No. 5b Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the Sewer Maintenance Department is in need of one (1) new truck chassis, AND

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE,
BE IT

RESOLVED that the request be granted and that the Town Clerk be directed to publish a NOTICE TO BIDDERS in connection with said vehicle, notice to be published in THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED that sealed bids will be received on the 15th day of May, 1989 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Clerk of the Town of Cheektowaga on May 15, 1989 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the furnishing of a 1989 Truck Chassis for use by the Sewer Maintenance Department of the Town of Cheektowaga.

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

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best 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: May 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*1*..... weeks:
first publication.....*5-4-89*..... ;
last publication.....*5-4-89*..... ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....

Sworn to before me this*4th*.....

day of*May*....., 19.....*89*.....

.....*Susan Mulcahy*.....

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

SUSAN MULCAHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES AUGUST 24, 19.....*89*

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Clerk of the Town of Cheektowaga on May 15, 1989 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the furnishing of a 1989 Truck Chassis for use by the Sewer Maintenance Department of the Town of Cheektowaga.

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

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

By Order of the Town Board of Cheektowaga, Erie County, New York
RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 4, 1989

MEETING NO. 12
May 1, 1989

Item No. 6 Motion by Councilman Jaworowicz Seconded by Unanimous

WHEREAS, on the morning of Saturday, April 15, 1989, the Harlem Gun Center was burglarized, and

WHEREAS, Police Officers Clifford Platt, Gary Edenhofer, Carl Hendel and Thomas Dryja arrived at the scene and arrested four suspects, who were attempting to steal 23 handguns, and

WHEREAS, the burglars were armed and attempted to escape by firing their weapons, and

WHEREAS, the police officers returned fire, chased the suspects and apprehended them, and

WHEREAS, the arrest also resulted in the suspects admitting their involvement in another gun theft on March 3, 1989, and retrieval of some of those guns stolen, and

WHEREAS, because such suspects were apprehended and the theft of guns was thwarted by the Cheektowaga police officers, the safety and well-being of residents of the Town was benefitted, and

WHEREAS, the officers involved in the arrests performed their jobs in an exemplary manner and deserve praise from this Town Board, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby expresses its sincere appreciation and gratitude to Officers Clifford Platt, Gary Edenhofer, Carl Hendel and Thomas Dryja for a job well-done.

Upon Roll Call....

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

Item No. 7 Motion by Supervisor Swiatek Seconded by Councilman Kazukiewicz

WHEREAS, in conjunction with the grand opening of the Walden Galleria Mall on May 1, 1989, traffic congestion problems are anticipated, and

WHEREAS, the Pyramid Company of Buffalo, the developer of the Walden Galleria Mall, has requested a special police traffic control around such mall, for the grand opening, and

WHEREAS, the Pyramid Company of Buffalo has offered to give the Town \$15,000.00 to be used for police personnel costs associated with the traffic control for the Walden Galleria Mall for the period of the grand opening, and

WHEREAS, Section 64(8) of the Town Law of the State of New York authorizes this Town Board to accept gifts upon terms and conditions prescribed by a donor, and

WHEREAS, this Town Board is willing to accept the gift from the Pyramid Company of Buffalo upon the aforementioned condition, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the \$15,000.00 check from the Pyramid Company of Buffalo, such moneys to be used for special police personnel costs incurred by the Police Department for providing traffic control services for the grand opening of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED that such moneys shall be deposited into trust and Agency Account No. 06-0835-0000-0000, to be thereafter transferred into the appropriate line item of the budget of the Police Department to be used for special police personnel costs associated with providing traffic control for the grand opening of the Walden Galleria Mall.

Item No. 7 continued

Upon Roll Call....

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

Item No. 8 Motion by Councilman Johnson Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$665,000 in Community Development Block Grant funds for the 1989-90 Program Year, and

WHEREAS, a public hearing regarding the use of said funds was held on April 3, 1989, and

WHEREAS, the Town Director of Community Development has submitted a recommendation regarding the use of said funds, which include activities to principally benefit low and moderate income persons pursuant to the goals and objectives of the Housing and Community Development Act and its governing rules and regulations, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed on behalf of the Town to submit to the U. S. Department of Housing and Urban Development an application for Community Development Block Grant funds totaling \$665,000 for the 1989-90 Program Year, said application incorporating the attached project allocations of Community Development Block Grant Funds.

* See Next Page

Upon Roll Call....

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

TOWN OF CHEEKTOWAGA

Community Development Block Grant Application

1989-90 Program Year

Administration	\$94,000
Village of Depew Projects	72,820
Village of Sloan Projects	27,265
Code Enforcement	55,500
Housing Rehabilitation	137,000
Economic Development Activities	236,000
Supplemental Services Housing Assistance Center & Supportive Services	13,000
Planning Services	10,000
Census Data Verification Study	13,000
Contingency	6,415
	<hr/>
TOTAL	\$665,000

MEETING NO. 12
May 1, 1989

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

WHEREAS, the Beverly Hills Athletic Association will be holding its annual Parade and Opening Day Ceremonies on Sunday, June 4, 1989 at 2:00 P.M., AND

WHEREAS, the Beverly Hills Athletic Association will begin its parade at the Reinstein Public Library on Harlem Road and will then proceed down McNaughton Avenue to the baseball diamonds, where Opening Day Ceremonies will be held, NOW, THEREFORE, BE IT

RESOLVED that the Beverly Hills Athletic Association be and hereby is authorized to conduct its parade on the above-mentioned route, AND BE IT FURTHER

RESOLVED that for pedestrian and vehicular safety, the Chief of Police is authorized to arrange for necessary traffic safety and escort service along the parade route and to insure compliance with the Vehicle & Traffic Law.

Upon Roll Call....

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

Item No. 10 Motion by Councilman Jaworowicz Motion by Councilman Kazukiewicz

WHEREAS, the Town Board of the Town of Cheektowaga is required to submit a list of designated polling places for 1989 to the Erie County Board of Elections, and

WHEREAS, each such polling place shall have one entrance that provides access, by ramp or otherwise, to physically handicapped or elderly voters, provided, however, that this requirement may be waived in writing by the Erie County Board of Elections upon a petition to said Board by the Town Board showing good and sufficient cause, and

WHEREAS, the Town of Cheektowaga includes 111 Election Districts; 43 Polling Places, of which 42 provide proper accessibility and 1 which does not, and

WHEREAS, the Town of Cheektowaga is a fully developed community and has within its environs very few or recently constructed buildings which provide the required accessibility and are also available for use as polling places, and

WHEREAS, conversion of the current inaccessible polling place, is neither economically feasible nor cost effective at this time, and

WHEREAS, the Town is cognizant of this situation and continues to seek an accessible location to replace the inaccessible location, and, when financially and otherwise practicable, will convert the present inaccessible location to provide accessibility, NOW, THEREFORE, BE IT

RESOLVED that the attached list of Town of Cheektowaga polling places for 1989 be approved for submittal to the Erie County Board of Elections, and BE IT FURTHER

RESOLVED that the Town Board herewith requests a waiver in writing from the Erie County Board of Elections for inaccessible polling place(s), as designated on same attached list which is made a part of this resolution.

* See next pages for list

Upon Roll Call....

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

ELECTION NOTICE

Town of Cheektowaga, County of Erie, New York
POLLING PLACES

We the undersigned composing the Board of the Town Officers of the Town of Cheektowaga, New York do hereby give notice that we have designated the following Polling Places in said Town of Cheektowaga for the General Election.

District #1 - St. Mary's Greek Orthodox Church, 940 Losson Road

District #2 - Bellevue Fire Station, Como Park & Bennett Road

District #3 - Amvets Post #14, 4721 Broadway, Depew

District #4 - Forks Fire Hall No. 2, Nagel Dr. & South Creek Drive

District #5 - U-Crest Fire Hall, 255 Clover Place

District #6 - Our Lady of Blessed Sacrament School, 2620 George Urban Blvd.

District #7 - Our Lady of Blessed Sacrament School, 2620 George Urban Blvd.

District #8 - Maryvale Community Center, 3409 Genesee Street

District #9 - Front Foyer of Maryvale Continuing Educ. Bldg. 777 Maryvale Dr.

District #10 - Cerebral Palsy Assoc., North Hill Elementary, 4635 Union Road

District #11 - Cerebral Palsy Assoc., North Hill Elementary, 4635 Union Road

District #12 - Infant of Prague School Hall, 921 Cleveland Drive

District #13 - Cleveland Drive Presbyterian Church, 735 Cleveland Drive

District #14 - Cleveland Hill Fire Hall, 440 Cleveland Drive

*District #15 - St. Aloysius School, 157 Cleveland Drive

*District #16 - St. Aloysius School, 157 Cleveland Drive

*District #17 - St. Aloysius School, 157 Cleveland Drive

*District #18 - St. Aloysius School, 157 Cleveland Drive

*District #19 - St. Aloysius School, 157 Cleveland Drive

District #20 - Cleveland Hill High School, Mapleview Drive

District #21 - Cleveland Hill High School, Mapleview Drive

District #22 - Cleveland Hill High School, Mapleview Drive

District #23 - Infant of Prague School Hall, 921 Cleveland Drive

District #24 - Cerebral Palsy Assoc. North Hill Elementary School, 4635 Union Rd.

District #25 - Front Foyer of Maryvale Continuing Education Bldg., 777 Maryvale Dr.

District #26 - Maryvale Community Center, 3409 Genesee Street

District #27 - Mother of Divine Grace Church, 500 Maryvale Drive

District #28 - Mother of Divine Grace Church, 500 Maryvale Drive

District #29 - Cleveland Hill Primary School, 7 Community Drive

District #30 - Cleveland Hill Primary School, 7 Community Drive

District #31 - Pine Hill Elementary School, 1635 East Delavan

District #32 - Pine Hill Elementary School, 1635 East Delavan

District #33 - Villa Maria College, 240 Pine Ridge

District #34 - Pine Hill Volunteer Hose Company, 2435 Genesee Street

District #35 - Cheektowaga Recreation Center, Town Park, Harlem Road

District #36 - Queen of Martyrs School, 180 George Urban Blvd.

District #37 - Maryvale Community Center, 3409 Genesee Street

District #38 - U-Crest Fire Hall, 255 Clover Place

District #39 - U-Crest Fire Hall, 255 Clover Place

District #40 - Anna M. Reinstein Memorial Library, 2580 Harlem Road

District #41 - Anna M. Reinstein Memorial Library, 2580 Harlem Road

District #42 - St. John Gualbert Hall 120 Alexander Avenue

- District #43 - St. John Gualbert Hall
120 Alexander Avenue
- District #44 - Rescue Fire Hall,
20 Pine Ridge Road
- District #45 - Rescue Fire Hall,
20 Pine Ridge Road
- District #46 - Sloan Fire Hall,
55 Gates Street, Sloan
- District #47 - Sloan Fire Hall,
55 Gates Street, Sloan
- District #48 - Sloan Fire Hall,
55 Gates Street, Sloan
- District #49 - Sloan Fire Hall,
55 Gates Street, Sloan
- District #50 - Sloan Fire Hall,
55 Gates Street, Sloan
- District #51 - Theodore Roosevelt
School, 2495 William Street
- District #52 - Theodore Roosevelt
School, 2495 William Street
- District #53 - Ukrainian Holy Trinity
Orthodox Hall, 200 Como Park Blvd.
- District #54 - Theodore Roosevelt
School, 2495 William Street
- District #55 - Doyle Fire Hall No. 1,
William & Alaska
- District #56 - Grover Cleveland School,
Rossler & Dings
- District #57 - Doyle Fire Hall No. 2,
Willowlawn & Griswold Street
- District #58 - South Branch Library,
2660 William Street
- District #59 - Sciole Elementary
School, 86 Alys Drive, Depew
- District #60 - Sciole Elementary
School, 86 Alys Drive, Depew
- District #61 - Forks Fire Hall No. 2,
Nagel & South Creek Drive
- District #62 - Hy-View Fire Hall,
8 Airport Drive
- District #63 - Hy-View Fire Hall,
8 Airport Drive
- District #64 - Forks Fire Hall
(Memorial Hall), 3340 Broadway
- District #65 - St. Barnabas
School, 2099 George Urban Blvd.
- District #66 - Maryvale Primary
Bldg., 1 Nagel Drive
- District #67 - Knights of St. John
Christian Club, 2379 Union Road
- District #68 - West End Hose Co. No. 6
2325 George Urban Blvd.
- District #69 - Queen of Martyrs,
180 George Urban Blvd.
- District #70 - Cheektowaga Recreation
Center, Town Park, Harlem Road
- District #71 - Cleveland Hill High
School, Mapleview Drive
- District #72 - Cleveland Hill Fire
Hall, 440 Cleveland Drive
- District #73 - Cleveland Heights
Christian Church, 4774 Union Road
- District #74 - Bellevue Fire Hall
Como Park Blvd. & Bennett Road
- District #75 - Front Foyer of Maryvale
Continuing Education Bldg., 777 Maryvale Dr.
- District #76 - Our Lady of the Blessed
Sacrament School, 2620 George Urban Blvd.
- District #77 - Ukrainian Holy Trinity
Orthodox Church Hall, 200 Como Park Blvd.
- District #78 - Doyle Fire Hall No. 1
William & Alaska Street
- District #79 - Southline Fire Hall,
1049 French Road
- District #80 - Knights of St. John
Christian Club, 2379 Union Road
- District #81 - Southline Fire Hall,
1049 French Road
- District #82 - St. Mary's Greek
Orthodox Church, 940 Losson Road
- District #83 - Dartwood Community Center
222 Autumnwood Drive
- District #84 - Dartwood Community Center
222 Autumnwood Drive
- District #85 - Bellevue Fire Hall,
Como Park Blvd. & Bennett Road
- District #86 - Amvets Post # 14, 4721
Broadway, Depew
- District #87 - St. Barnabas School
2099 George Urban Blvd.
- District #88 - West End Hose Co. No. 6
2325 George Urban Blvd.
- District #89 - Maryvale East Apartments,
Moorman Drive
- District #90 - Infant of Prague School
Hall, 921 Cleveland Drive
- District #91 - Maryvale East Apartments
Moorman Drive
- District #92 - Maryvale Primary
Bldg., 1 Nagel Drive
- District #93 - U-Crest Fire Hall,
255 Clover Place
- District #94 - Ukrainian Holy Trinity
Orthodox Hall, 200 Como Park Blvd.

District #95 - Doyle Fire Hall No. 1
William & Alaska Streets

District #96 - Maryvale Primary
Bldg., 1 Nagel Drive

District #97 - South Branch Library
2660 William Street

District #98 - Forks Fire Hall No. 2
Nagel & South Creek Drive

District #99 - Cleveland Heights
Christian Church, 4774 Union Road

District #100 - Front Foyer of Maryvale
Continuing Education Bldg., 777 Maryvale Dr.

District #101 - Queen of Martyrs
School, 180 George Urban Blvd.

District #102 - Sky Harbor Community
Building, 4795 Genesee Street

District #103 - Our Lady of the Blessed
Sacrament School, 2620 George Urban Blvd.

District #104 - Ukrainian Holy Trinity
Orthodox Hall, 200 Como Park Blvd.

District #105 - John F. Kennedy School,
305 Cayuga Creek Road

District #106 - Knights of St. John
Christian Club, 2379 Union Road

District #107 - Knights of St. John
Christian Club, 2379 Union Road

District #108 - Dartwood Community Center,
222 Autumnwood Drive

District #109 - Dartwood Community Center,
222 Autumnwood Drive

District #110 - Southline Fire Hall,
1049 French Road

District #111 - Southline Fire Hall,
1049 French Road

*Denotes non-accessibility to building
for handicapped

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD
Supervisor:

Frank E. Swiatek

Councilmen:

Thomas M. Johnson

Patricia A. Jaworowicz

Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

RICHARD M. MOLESKI
Town Clerk

The
Town of
Cheektowaga



OFFICE OF THE TOWN CLERK

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

RICHARD M. MOLESKI

TOWN CLERK
686-3434

MARY F. HOLTZ
1st Deputy
686-3433

VICKIE L. DANKOWSKI
2nd Deputy
686-3430

May 2, 1989

Edward J. Mahoney
Philip D. Smolinski
Commissioners of Election
134 West Eagle Street
Buffalo, New York 14202

Dear Commissioners:

Enclosed please find a certified copy of a resolution which was adopted by the Cheektowaga Town Board at a regular meeting held on Monday, May 1, 1989, regarding the accessibility to the handicapped of Cheektowaga's Polling Places.

I have also enclosed a listing of the Town of Cheektowaga Polling Places.

Please be advised that the following changes have been made in our Polling locations:

District #	FROM	To
34	Pine Hill Elementary School	Pine Hill Volunteer Hose Co. 2435 Genesee Street
89 & 91	Hy-View Fire Company	Maryvale East Apartments Moorman Drive

The above information is tentative, pending written approval from the Maryvale East Apartments, but is supplied to you so you may be aware of our intention to change the above districts, and so that you may begin to prepare for distribution of the necessary postcards informing the registered voters in the above districts. We will send you a letter confirming the above as soon as approval is received from Maryvale East Apartments.

Sincerely,

TOWN OF CHEEKTOWAGA

Richard M. Moleski
Town Clerk

ENC:

OFFICE OF THE TOWN CLERK

MEETING NO. 12
May 1, 1989

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

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 April 21, 1989, rendered the determinations shown on the attached memo dated April 25, 1989, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the April 25, 1989 memo attached hereto:

ITEM VI	675 Duke Road
ITEM VII	2501 Broadway

* See next page

Upon Roll Call....

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

ITEM VI 675 Duke Road - Proposed Construction Of A
10,000 Square Foot Storage
Building

Applicant: Telfair Construction

Determination: Non-Significant With Stipulations

This item had been before the committee previously and at that time it was suggested to the contractor that he contact his client to suggest eliminating the front loading dock and installing a detention basin for storm waters in the proposed green area.

As a result of discussions with the owner, new site plan was submitted showing on-site detention within the proposed green area at the front of the property. Additional green area was installed between the office and Duke Road and the parking adjusted accordingly. The attorney for the owner was present and indicated that they cannot eliminate the front dock, as requested, but only small trucks use that part of the facility. All semi-trucks and large vehicles would be loading and unloading at the rear. Landscaping as submitted has yet to be approved by the Planning Board and the drainage plan that was submitted needs to be coordinated with the Highway Department and Engineering Department. Conditions are as follows:

- ° Planning Board review of landscaping.
- ° Engineering/Highway Departments review of drainage and adjust the driveway on the east side for two way traffic.

ITEM VII 2501 Broadway - Proposed Construction Of A
56,000 Square Foot
Addition To Allied Frozen
Storage

Applicant: Allied Builders

Determination: Non-Significant

The developer submitted a new site plan incorporating the new drainage along industrial park road, eliminated any ditches or swales along this road and moved the new fire hydrant to make it accessible to fire-fighting equipment. He also submitted a letter from the refrigeration contractor, Mollenberg-Betz, which states that no additional noise will be generated by any new compressor units. The Planning Board had reviewed and approved the site plan with the provision that at sometime in the future members of the Planning Board would an make on-site inspection and adjust landscaping accordingly.

MEETING NO. 12
May 1, 1989

Item No. 12 Motion by Councilman Johnson Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Traffic Safety Commission is 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 for the Cheektowaga Traffic Safety Commission is warranted, NOW, THEREFORE, BE IT

RESOLVED that a petty cash fund in the amount of \$200.00 be and hereby is established for the Cheektowaga Traffic Safety Commission, and BE IT FURTHER

RESOLVED that, at the time of payment from such fund, the Treasurer of the Traffic Safety Commission shall require delivery to him of a bill in form sufficient to audit by this Town Board as required by law.

Upon Roll Call....

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

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

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated debris on vacant property located North of 54 Hillpine Road known as 39 Butternut Road, Sublot 72, Cheektowaga, New York, S.B.L. #114.17-6-9 and according to the Assessors' Office is owned by Los-Green Incorporated, 405 Convention Tower, Buffalo, New York 14202 AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by 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 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 Gabryszak

WHEREAS, the Town of Cheektowaga is implementing a town-wide Computer and Citizen Complaint system to improve both efficiency and accountability, and

WHEREAS, the Town has bonded \$180,000.00, and is also receiving \$70,000.00 in State Aid toward said project, and

WHEREAS, it is necessary to acquire the best computer hardware equipment at the best price, that will handle both current and growth needs of the town, and

WHEREAS, it is necessary for the town to have a completely unbiased approach toward the purchase of computer hardware equipment, as well as the schematics involving location of equipment, cable and wire installation and placement of communication lines and equipment, and

Item No. 14 continued

WHEREAS, the town has previously hired Western New York Business Services for it's software recommendation,

NOW, THEREFORE, BE IT RESOLVED, that the firm of Western New York Business Services is hereby hired to perform the necessary computer hardware study for a total cost of \$4,000.00 and

BE IT FURTHER RESOLVED, that the funds for said project be charged to Capital Project No. 05-1910-8821-0200.

Upon Roll Call....

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

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

WHEREAS, Sergeant Daniel Conley has voluntarily requested that he be returned to the rank of Patrolman, AND

WHEREAS, the Chief of Police has no objection to such request, NOW, THEREFORE, BE IT

RESOLVED that Daniel Conley be returned to the rank of Patrolman, effective April 18, 1989.

Upon Roll Call....

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

Item No. 16a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, Bernard Wojtkowiak, Working Foreman in the Facilities Department, was on extended sick leave in 1988, and it became necessary to fill such position on a temporary basis, and

WHEREAS, by resolution dated November 21, 1988, Louis Baran was appointed to the position of Temporary Working Foreman in the Facilities Department, and

WHEREAS, Bernard Wojtkowiak notified this Town Board that he was retiring from his Working Foreman position, effective January 1, 1989, and

WHEREAS, since January 1, 1989, there has been a vacancy in the position of Working Foreman (permanent) in the Facilities Department, and

WHEREAS, Louis Baran has the necessary experience for such position, NOW, THEREFORE, BE IT

RESOLVED that such appointment shall be retroactive to February 19, 1989, such date being the expiration date of the temporary position of Working Foreman in the Facilities Department.

* * * * *

MOTION BY COUNCILMAN JOHNSON AND SECONDED BY COUNCILMAN JAWOROWICZ TO TABLE THE ABOVE RESOLUTION.

* * * * *

MEETING NO. 12
May 1, 1989

Item No. 16b Motion by Councilman Gabryszak Seconded by Councilman Kulyk

WHEREAS, by resolution dated April 17, 1989, this Town Board created the position of full-time Plumber in the Facilities Department, AND

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

WHEREAS, John Ludkta, Jr. of Depew, New York applied for such position and meets all of the requirements for such job, NOW, THEREFORE, BE IT

RESOLVED that John Ludkta, Jr. of Depew, New York be and hereby is appointed to the position of Plumber in the Facilities Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Employees' Association.

Upon Roll Call....

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

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

WHEREAS, there exists a vacancy in the Sanitation Department in the position of Motor Equipment Operator-B as the result of a retirement, AND

WHEREAS, such vacancy has been posted in accordance with the provisions of the Town's agreement with the Town of Cheektowaga Employees Association, AND

WHEREAS, Bradley Colgrove applied for said position and is qualified for such, NOW, THEREFORE, BE IT

RESOLVED that Bradley W. Colgrove, Cheektowaga, New York 14225, be hereby appointed to the position of Motor Equipment Operator-B in the Sanitation Department at a salary pursuant to the terms of the Town's Agreement with the Town of Cheektowaga Employees Association.

Upon Roll Call....

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

Item No. 16d Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, two vacancies exist in the position of Sergeant in the Police Department due to the promotion of Sergeant Cheryl Rucinski to Lieutenant and the reassignment of Sergeant Daniel Conley to the rank of Patrolman, AND

WHEREAS, the Chief of Police and his screening committee have interviewed candidates for such vacancy and have recommended that Patrolmen David Przepiora and Jerald Barber to be promoted to Sergeant, NOW, THEREFORE, BE IT

RESOLVED that David Przepiora and Jerald Barber be and hereby are promoted to the positions of Sergeant in the Police Department, effective immediately, at a salary in accordance with the collective bargaining agreement between the Town and the Cheektowaga Police Club, Inc., AND BE IT FURTHER

RESOLVED that such promotions shall be effective April 20, 1989.

Item No. 16d continued

Upon Roll Call....

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

Item No. 17 Creation of Assistant Supervising Maintenance Mechanic in Facilities Dept.
This resolution was withdrawn.

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

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1989 Summer Program:

PARKS DIVISION - #01-007110-1-0-1623-001 - Pool Mechanic - \$5.00 per hour

Walter Gardon

PARKS DIVISION - ACCT. #01-7110-0001-1491 at \$4.35 per hour

John Barberio
Scott D. Pfeiffer
William F. Booker
Eric Ozolins
William Ayers

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 Johnson

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

SEWER MAINTENANCE DEPARTMENT - SEASONAL \$4.35 per hour EFFECTIVE

Richard Przezinski 5/15/89
Dennis Mrugalski 5/18/89

SANITATION DEPARTMENT - SEASONAL - \$5.00 per hour EFFECTIVE

Christopher Karek As Needed
David Rusinski As Needed
Dale Ruthenberg As Needed
Alex Pajak As Needed
Terry Caggiano As Needed

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

BE IT RESOLVED that the below listed individual be hired as a Clerk in the Youth Bureau's Administrative Intern Program (01-7310-0004-1804), at a salary rate of \$4.00 per hour, to assist in the coordination of the Rent-A-Kid Program.

Item No. 18c continued

Amy Lukasik,

Depew, New York 14043

Upon Roll Call....

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

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

WHEREAS, Sergeant Eugene Leahy has requested a military leave of absence from April 24, 1989 to May 12, 1989 to attend training exercises at Fort Drum, New York and the U.S. Coast Guard, Virginia, AND

WHEREAS, Section 242 of the Military Law of the State of New York, allows a military leave for the purpose of attending military duty, NOW, THEREFORE, BE IT

RESOLVED that Sergeant Eugene Leahy is granted a military leave of absence from April 27, 1989 to May 12, 1989 AND BE IT FURTHER

RESOLVED that Eugene Leahy be paid his salary or other compensation while on such military leave.

Upon Roll Call....

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

Item No. 20 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following seasonal employees' per hour rate of pay in the Police Department be increased to \$4.35 per hour effective immediately:

Pamela Kazmierczak
Lynda Twardowski
Traci Howlett
Holly Biedron
Kelly Donnelly
Sherry Beback
Judy Zipp
Jacqueline Radwanski

Upon Roll Call....

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

Item No. 21a Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

WHEREAS, the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network ("MAGLOCEN"), in cooperation with the New Jersey Police and the Drug Enforcement Administration, will be holding its conference entitled "Narcotics: Future Trends and Strategies" in Cherry Hill, New Jersey from May 15th-19th, 1989, and

WHEREAS, the Chief of Police has requested permission for Lt. Matthew Starr, supervising officer of the Police Department's narcotics unit, to attend this conference, and

Item No. 21a continued

WHEREAS, MAGLOCEN will pay hotel and travel expenses associated with Lt. Starr's attendance at this conference, NOW, THEREFORE, BE IT

RESOLVED that Lt. Matthew Starr be and hereby is authorized to attend the aforementioned conference from May 15th-19th, 1989.

Upon Roll Call....

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

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

WHEREAS, Christopher J. Kowal, Highway Superintendent, has advised the Town Board of his intent to attend the TOWN AND COUNTY OFFICERS TRAINING SCHOOL OF THE STATE OF NEW YORK, at Cornell University, Ithaca NY on June 5th, 6th and 7th, 1989 together with Robert Nader, a Foreman in the Highway Department, NOW, THEREFORE, BE IT

RESOLVED that Highway Superintendent, Christopher J. Kowal, and his Foreman, Robert Nader, are hereby authorized to attend the above training course, arriving at the Howard Johnson, Ithaca, NY, the evening of June 4th 1989 and BE IT FURTHER

RESOLVED that Christopher J. Kowal will be using his highway vehicle for transportation and that they will be reimbursed for all travel and necessary expenses in connection with said training school, as provided for through budgeted line item, Highway Conferences and Seminars - 03-5130-0004-4087.

Upon Roll Call....

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

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

WHEREAS, due to the existing garbage disposal crisis, this Town Board is investigating the possibility of establishing a composting site in the Town, and

WHEREAS, composting is seen as a clean and sanitary alternative to disposing of certain garbage, and

WHEREAS, composting sites have proved successful in other areas of the county and it would be advantageous for Town personnel to view an operating composting site, and

WHEREAS, there is a composting site in Morristown, New Jersey which can be viewed by Town personnel, NOW, THEREFORE, BE IT

RESOLVED that the following referenced Town personnel be and hereby are directed to travel to Morristown, New Jersey to visit its composting site:

General Foreman, Sanitation Department
Supervisor
Councilmen

and, BE IT FURTHER

RESOLVED, that such Town personnel shall be reimbursed out of Town budget line item 05-8160-8810-1201 for their necessary and reasonable expenses for air travel, auto rental and meals in an amount not to exceed \$250.00 each.

* * * * *

Item No. 21c continued

MOTION BY COUNCILMAN SOLECKI AND SECONDED BY SUPERVISOR SWIATEK TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

* * * * *

AMENDED

Motion by Councilman Solecki Seconded by Councilman Kulyk

WHEREAS, due to the existing garbage disposal crisis, this Town Board is investigating the possibility of establishing a composting site in the Town, and

WHEREAS, composting is seen as a clean and sanitary alternative to disposing of certain garbage, and

WHEREAS, composting sites have proved successful in other areas of the county and it would be advantageous for Town personnel to view an operating composting site, and

WHEREAS, there is a composting site in Morristown, New Jersey which can be viewed by Town personnel, NOW, THEREFORE, BE IT

RESOLVED that the following referenced Town personnel be and hereby are directed to travel to Morristown, New Jersey to visit its composting site:

- General Foreman, Sanitation Department
- Supervisor
- All Councilmen
- David Kulik, Sanitation Employee

and, BE IT FURTHER

RESOLVED, that such Town personnel shall be reimbursed out of Town budget line item 05-8160-8810-1201 for their necessary and reasonable expenses for air travel, auto rental and meals in an amount not to exceed \$350.00 each.

Upon Roll Call....

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

Item No. 21d Motion by Councilman Johnson Seconded by Councilman Kazukiewicz

WHEREAS, the New York State Emergency Managers Association is holding its annual Conference on June 6-9, 1989 at the Quality Inn in Olean, New York, AND

WHEREAS, Mr. Earl Loder, the Town's Disaster Coordinator, has requested permission to attend said Conference, AND

WHEREAS, the State Emergency Management Office will pay one-half of the \$150.00 registration fee, NOW, THEREFORE, BE IT

RESOLVED that Mr. Earl Loder be and hereby is authorized to attend the New York State Emergency Managers Conference, June 6-9, 1989 in Olean, New York, AND BE IT FURTHER

Item No. 21d continued

RESOLVED that Mr. Loder be reimbursed for all necessary and reasonable expenses, not to exceed \$200.00, said expenses to be charged to Line item #01-1910-0004-4082.

Upon Roll Call....

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

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

WHEREAS, there is an old case 310 Bulldozer which is not operational stored in back of the Central Garage, and

WHEREAS, the General Foreman of the Central Garage has recommended that such equipment be sold to a junk yard for parts, and

WHEREAS, such equipment is excess to the needs of the Town and has nominal value, NOW, THEREFORE, BE IT

RESOLVED that the General Foreman of the Central Garage be and hereby is authorized to dispose of the aforementioned equipment to a junk yard for scrap value.

Upon Roll Call....

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

Item No. 23 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

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

GENERAL FUND

FROM:	1910-04-4711 (Contingency)	\$12,650.00
	1910-04-4711 (Contingency)	654.00
	1910-04-4711 (Contingency)	14,863.12
	1910-04-4711 (Contingency)	18,250.14
TO:	1220-02-4008 (Disaster Coordinator-Equipment)	12,650.00
	1220-04-4008 (Disaster Coordinator-Equipment)	654.00
	1220-04-4010 (Disaster Preparedness)	14,863.12
	1440-04-4595 (Scajaquada/U Crest Review)	18,250.00

SPECIAL DISTRICTS FUND

FROM:	15-8160-04-4089 (Recycling-Sanitation)	\$ 7,500.00
	15-8160-04-4089 (Recycling-Sanitation)	2,000.00
	15-9160-04-4001 (Office Supplies-Sanitation)	319.00
TO:	15-8160-02-2209 (Misc. Off. Equip.-Sanitation)	7,500.00
	15-8160-02-2501 (Other Equipment-Sanitation)	2,000.00
	15-8160-02-2209 (Misc. Off. Equip.-Sanitation)	319.00
FROM:	8135-04-4356 (Buffalo Sewer Authority)	\$ 3,124.44
TO:	8135-04-4501 (Legal Expenses)	3,124.44

Upon Roll Call....

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

MEETING NO. 12
May 1, 1989

Item No. 24 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to May 1, 1989 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$1,596,766.85
HIGHWAY FUND	397,809.23
CAPITAL FUND	736,797.80
TRUST & AGENCY FUND	246,482.28
HUD FUND	47,962.49
PART TOWN FUND	44,991.84
HUD RENTAL REHAB. FUND	16,206.44
RISK RETENTION FUND	98,377.16
DEBT SERVICE FUND	362,031.26
HUD REHAB. FUND	10,071.44
SPECIAL DISTRICTS FUND	1,595,585.51
	<u>\$5,153,082.30</u>
	=====

Upon Roll Call....

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

III. FROM THE TABLE

Item No. 25 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga presently has an agreement with the Cheektowaga-Sloan Union Free School District ("School District") for the use of premises known as the Theodore Roosevelt School (the "Property") located at 2495 William Street in the Town for playground and recreational purposes, and

WHEREAS, the Town and the School District wish to terminate the existing agreement and enter into a new agreement for the use of the Property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to terminate the agreement dated September 8, 1980 with the School District, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the School District for use of the property.

* * * * *

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 26 Building Permits
Received and Filed

MEETING NO. 12
May 1, 1989

- Item No. 27a Minutes of Cheektowaga Library Board - March, 1989.
Received and Filed.
- Item No. 27b Minutes of Cheektowaga Traffic Safety Commission - March, 1989.
Received and Filed.
- Item No. 28a Office of Disaster Preparedness Quarterly Report: Jan. - March, 1989.
Received and Filed.
- Item No. 28b Cheektowaga Police Department - 1988 Annual Report.
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 29a Summons & Complaint: Henry and Bernice Lohr vs. Town of Cheektowaga
Received and Filed.
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Robert M. Lis, Chief of Police.
- Item No. 29b Notice of Claim (Notice of Motion to Serve Late Notice of Claim)
Robert M. & Susan L. Wozniak vs. Town of Cheektowaga
Received and Filed.
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak, Accounting Department; Police Department.

V. SUSPENSION OF RULES

Motion by Supervisor Swiatek and seconded by Councilman Johnson to suspend the rules to include the following item.

- Item No. 30 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

WHEREAS, as a result of advertisement, bids were received on February 21, 1989 for the furnishing of equipment and operators for public works projects during the calendar year of 1989 in the Town of Cheektowaga, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the TownBoard dated April 28, 1989, NOW, THEREFORE BE IT

RESOLVED that the contract for the furnishing of equipment and operators for public works projects in the Town of Cheektowaga be awarded to James T. Ribbeck, Inc., 4715 Thompson Road, Clarence, New York 14031 (633-1881) for submission of the lowest bid meeting the requirements of the specifications as per the unit bid prices of:

Item 1	Hydraulic Backhoe	\$560.00 per 8 hour day
Item 2	Tractor with Front End Loader	\$400.00 per 8 hour day
Item 3	Dozer	\$400.00 per 8 hour day
Item 4	Dozer	\$520.00 per 8 hour day
Item 5	Dozer	\$520.00 per 8 hour day
Item 6	Tandem Dump Truck	\$336.00 per 8 hour day
Item 7	Landscape Type Tractor	\$120.00 per 8 hour day
Item 8	Hydraulic Backhoe	\$320.00 per 8 hour day
Item 9	Laborers	\$120.00 per 8 hour day
Item 10	Hydraulic Backhoe	\$480.00 per 8 hour day
Item 11	8-10 Ton Static Roller	\$320.00 per 8 hour day

MEETING NO. 12
May 1, 1989

Item No. 30 continued

Item 12	Dual Drum Vibratory Roller	\$520.00 per 8 hour day
Item 13	Paver	\$950.00 per 8 hour day
Item 14	Front End Loader	\$400.00 per 8 hour day

AND, BE IT FURTHER

RESOLVED that payment for said equipment and operators for public works projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items, AND, BE IT FURTHER

RESOLVED that the foregoing James T. Ribbeck, Inc. equipment plus operators must be used exclusively for budgeted public works not otherwise bid.

Upon Roll Call....

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

Kazukiewicz and Solecki

NAYES: 0

ABSENT: 0

Item No. 31 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz to adjourn the meeting in memory of the Servicemen who lost their lives in the line of duty on the U.S.S. Iowa.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of May, 1989 at 7:30 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; Kevin Schenk, Deputy Town Attorney; Chester Bryan, Town Engineer; Sal LaGreca, Employment and Training Director II; Chairman Planning Commission; Bruce Chamberlin, Assistant Chief of Police; Ron Marten, Building and Plumbing Inspector; Captain John Schaller; Al Lonczak, Deputy Highway Superintendent; Pat Staniaszek, Program Coordinator-Youth Bureau; Norb Rutkowski, President-Town of Cheektowaga Employees Association; Ralph Majchrowicz, Director of Administration and Finance; Casey Kozminski, Assessor.

I. FROM THE TABLE

Item No. 2 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, Bernard Wojtkowiak, Working Foreman in the Facilities Department, was on extended sick leave in 1988 and it became necessary to fill such position on a temporary basis, and

WHEREAS, by resolution dated November 21, 1988, Louis Baran was appointed to the position of Temporary Working Foreman in the Facilities Department, and

WHEREAS, Bernard Wojtkowiak notified this Town Board that he was retiring from his Working Foreman position, effective January 1, 1989, and

WHEREAS, since January 1, 1989, there has been a vacancy in the position of Working Foreman (permanent) in the Facilities Department, and

WHEREAS, Louis Baran has the necessary experience for such position,
NOW, THEREFORE, BE IT

RESOLVED that Louis Baran, _____, Cheektowaga, New York be and hereby is appointed to the permanent position of Working Foreman in the Facilities Department at a salary in accordance with the collective bargaining agreement between the Town and the Town Supervisory Unit, and BE IT FURTHER

RESOLVED that such appointment shall be retroactive to February 19, 1989, such date being the expiration date of the temporary position of Working Foreman in the Facilities Department.

Upon Roll Call....

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

THIS RESOLUTION WAS DENIED!

Item No. 3 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga presently has an agreement with the Cheektowaga-Sloan Union Free School District ("School District") for the use of premises known as the Theodore Roosevelt School (the "Property") located at 2495 William Street in the Town for playground and recreational purposes, and

WHEREAS, the Town and the School District wish to terminate the existing agreement and enter into a new agreement for the use of the Property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to terminate the agreement dated September 8, 1980 with the School District, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the School District for use of the property.

* * * * *

MOTION BY UNANIMOUS, SECONDED BY UNANIMOUS 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

This resolution was tabled.

II. RESOLUTIONS

Item No. 4 Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga initiated action for the rezoning from M2-General Manufacturing District to CM-General Commercial District of property owned by Mary Legierski and located at 3412 Broadway, 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 1st day of May, 1989 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, subject to the following condition:

1. the final plans and site plan be reviewed by the various departments before any construction begins.

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 the Town of Cheektowaga for the rezoning from M2-General Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved subject to the condition recommended by the Environmental Advisory Committee, and BE IT FURTHER

Item No. 4 cont'd

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
Kazukiewicz and Solecki
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

leg 10 11/7

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. 10, Township 11 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the northeast corner of James Warner's home lot now owned by the Church Home of the Evangelical Churches of Buffalo and its vicinity lying on the Ellicott or Batavia Road; thence easterly along said Batavia Road 142 feet, thence southerly 207.73 feet to the north line of the Buffalo & Lancaster Road now called Broadway at a point 162 feet east of said Church Home lands; thence westerly along the north line of said Broadway 162 feet to the easterly line of said Church Home lands; thence northerly along the easterly line of the Church Home lands 186.57 feet more or less to the place of beginning.

CDBS

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..... MAY 1 1889.....;

last publication..... MAY 18 1889.....;

and that no more than six days intervened be-
tween publications.

Amy C Meyers
.....
1889

Sworn to before me this

day of *May*, 19*89*.....

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 15th day of May, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving 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 Solecki and Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga initiated action for the rezoning from M2-General Manufacturing District to CM-General Commercial District of property owned by Mary Legierski and located at 3412 Broadway, 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 1st day of May, 1989 at 6:30 o'clock P.M., after publication and service of notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law, and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, subject to the following condition:

1. the final plans and site plan be reviewed by the various departments before any construction begins, 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 the Town of Cheektowaga for the rezoning from M2-General Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved subject to the condition recommended by the 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.

Upon roll call.....

Supervisor Swiatek Voting AYE
Councilman Johnson Voting AYE
Councilman Jaworowicz Voting

AYE
Councilman Gabryszak Voting
AYE

Councilman Kulyk Voting AYE
Councilman Kazukiewicz Voting

AYE
Councilman Solecki Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 10, Township 11 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the northeast corner of James Warner's home lot now owned by the Church Home of the Evangelical Churches of Buffalo and its vicinity lying on the Ellicott or Batavia Road; thence easterly along said Batavia Road 142 feet, thence southerly 207.73 feet to the north line of the Buffalo & Lancaster Road now called Broadway at a point 162 feet east of said Church Home lands; thence westerly along the north line of said Broadway 162 feet to the easterly line of said Church Home lands; thence northerly along the easterly line of the Church Home Lands 186.57 feet more or less to the place of beginning.

**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 May 15, 1989, 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. 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 15th day of May, 1989.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 18, 1989

EVE J. ALLIS

The Erie County Clerk's Office is located in Erie County, New York. My commission expires 12/31/91.

MEETING NO. 13
May 15, 1989

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

WHEREAS, a resolution of this Town Board dated April 17, 1989 directed that notice be given to bidders inviting sealed proposals for the purchase of a high velocity sewer cleaner for use by the Town's Sanitary Sewer Maintenance Department, and

WHEREAS, pursuant to the said Notice to Bidders, a total of four (4) sealed proposals were received and opened on May 8, 1989, namely:

- a) Cyncon Equipment Co. with a total bid price less trade-in of \$44,546.00;
- b) Nuttall Equipment Co., Inc. with a total bid price less trade-in of \$45,962.00
- c) Sewer Equipment of America with a total bid price less trade-in of \$46,900.00
- d) Roberts Equipment Co. with a total bid price less trade-in of \$50,351.99

and

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

WHEREAS, the Town Engineer has recommended that the bid for the furnishing of the high velocity sewer cleaner be awarded to Cyncon Equipment Co. as the lowest responsible bidder meeting the intent of the specifications, NOW, THEREFORE, BE IT

RESOLVED that for the reasons proffered by the Town Engineer which this Board hereby adopts, the bid for the furnishing of one (1) high velocity sewer cleaner be and hereby is awarded to: Cyncon Equipment Co. Inc., 6800 West Henrietta Road, West Henrietta, New York 14568(716-334-4660) in accordance with its bid proposal of \$44,546.00, and BE IT FURTHER

RESOLVED that the payment for said sewer cleaner be made from the funds budgeted for same in Account No. 25-8125-0002-2515.

Upon Roll Call....

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

Item No. 6 Amend resolution of April 17, 1989 regarding amendment to Traffic Ordinance
This resolution was withdrawn.

Item No. 7 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement consisting of a new roadway, concrete curbing, storm drainage, highway lighting and a sanitary sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitioned and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, on April 3, 1989, this Town Board awarded a contract for the construction of the aforesaid Infrastructure Improvements, excluding the highway lighting system to Salvo Excavation, Inc., and

MEETING NO. 13
May 15, 1989

Item No. 7 cont'd

WHEREAS, at the request of the Town Engineer, Nussbaumer & Clarke, Inc., Consulting Engineers, submitted a proposal for their professional services for the preparation of plans, specifications and contract documents for the taking of public bids for the highway lighting improvements to be constructed for the New Erie Industrial Center roadway, which proposal dated May 5, 1989 is attached, and

WHEREAS, the Town Engineer approves and recommends acceptance of said proposal, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts and approves the attached proposal of Nussbaumer & Clarke, Inc. for the provision of professional services for the preparation of plans and specifications for highway lighting improvements at a cost not to exceed \$950.00 and BE IT FURTHER

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

RESOLVED that moneys for such services to be rendered by Nussbaumer & Clarke, Inc. in connection with the highway lighting improvements, New Erie Industrial Center shall be paid as follows out of the following account:

Account No. 05 1440 8824 0400	\$950.00
-------------------------------	----------

* See next two (2) pages for proposal

Upon Roll Call....

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



Nussbaumer & Clarke, Inc.

Consulting Engineers Surveyors

310 Delaware Avenue Buffalo, New York 14202

(716) 853-7582

Oswego, New York
(315) 342-3010

FAX (716) 852-2451

Rochester, New York
(716) 442-5330

May 5, 1989

Chester L. Bryan, P.E.
Cheektowaga Town Engineer
Broadway and Union Road
Cheektowaga, New York 14227

Re: Proposal for Preparation of
Specifications for the
Bidding of Street Lighting for the
Industrial Center
NCI File No. 89-133/04

Dear Mr. Bryan:

Thank you for the opportunity to submit this proposal to develop specifications and contract documents for the taking of public bids for street lighting of the New Erie Industrial Center site.

This proposal is in response to various conversations with Mr. William Pugh of your office and our engineer David P. Albers during the week of May 1, 1989. It is anticipated that the plans, specifications and contract documents can be ready for advertising by May 15, 1989.

We propose to prepare specifications and contract documents for this street lighting. The plans are currently being prepared under a previous agreement. We will furnish twenty (20) sets of plans, specifications, and contract documents to the Town of Cheektowaga for use in advertisement. We will furnish to the Town and Site Owner, a Construction Cost Estimate prior to the bid.

We propose to furnish these services for a lump sum fee of \$950.00. Invoicing for the work would be for the work complete and delivered to the Town of Cheektowaga ready for bidding.

STAFFED BY: ENGINEERS • ARCHITECTS • PLANNERS • SURVEYORS

Chester L. Bryan, P.E.

-2-

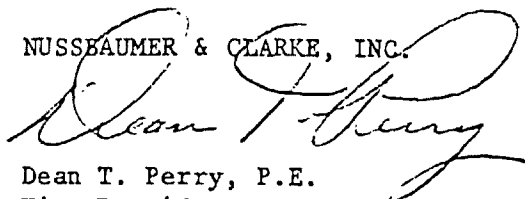
May 5, 1989

Should this proposal be acceptable to the Town of Cheektowaga, please execute this letter contract in the space provided and return the original to our office. The copy is for your records.

If there are any questions with regard to the scope of work or proposal content, please feel free to contact us at your convenience.

Yours truly,

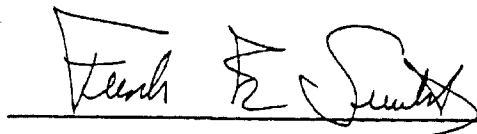
NUSBAUMER & CLARKE, INC.



Dean T. Perry, P.E.
Vice President
C.E.O. - Engineering

P

ACCEPTED BY:



TITLE:

Supervisor

DATE:

May 15, 1989

Chester L. Bryan, P.E.

-2-

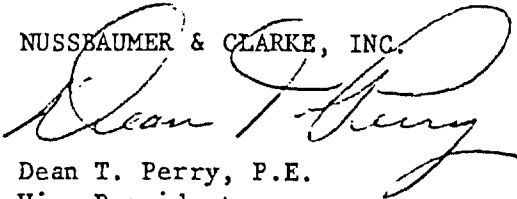
May 5, 1989

Should this proposal be acceptable to the Town of Cheektowaga, please execute this letter contract in the space provided and return the original to our office. The copy is for your records.

If there are any questions with regard to the scope of work or proposal content, please feel free to contact us at your convenience.

Yours truly,

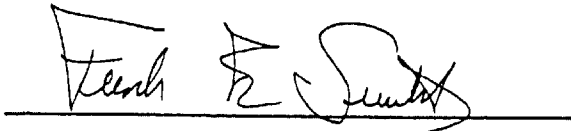
NUSBAUMER & CLARKE, INC.



Dean T. Perry, P.E.
Vice President
C.E.O. - Engineering

P

ACCEPTED BY:



TITLE:

Supervisor

DATE:

May 15, 1989

Item No. 8a Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the town to construct a street improvement consisting of a new roadway, concrete curbing, storm drainage, highway lighting and a sanitary sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, the aforesaid "Infrastructure Improvements", excluding the highway lighting system, has previously been publicly bid and a contract awarded to the lowest responsible bidder, Salvo Excavation, Inc., by Town Board resolution dated April 3, 1989 for the construction of Infrastructure Improvements excluding the highway lighting system, and

WHEREAS, the Town Engineer advises this Town Board that plans, specifications and contract documents for the construction of the highway lighting system for the New Erie Industrial Park roadway have been prepared and recommends that competitive bids be sought for said highway lighting improvements, NOW, THEREFORE, ~~BE~~ IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for Street Lighting Improvements, New Erie Industrial Center, in the CHEEKTOWAGA TIMES, and ~~BE~~ IT FURTHER

RESOLVED that sealed bids for such project shall be received and publicly opened on the 30th day of May, 1989 at 11:00 A.M., Local Time, in the Council Chambers in the Cheektowaga Town Hall by the Town Clerk.

* * * * *

STREET LIGHTING FOR THE
NEW ERIE INDUSTRIAL CENTER (BROADWAY)
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 30th, day of May, 1989 at 11:00 A.M. Local Time, in the Town Hall, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of street lighting improvements proposed for the New Erie Industrial Center Site, including appurtenances and related work, complete in place, tested and ready for use, in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

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

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Street Lighting for the New Erie Industrial Center."

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

Item No. 8a cont'd

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

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

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

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

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

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

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

The work shall be completed within 210 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI
Town Clerk

DATED: May 15, 1989

PUBLISHED: May 18, 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..... MAY 18 1989 ;
last publication..... MAY 18 1989 ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers
18th

Sworn to before me this
day of May 1989

Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
STREET LIGHTING FOR
THE NEW ERIE INDUSTRIAL
CENTER (BROADWAY) TOWN
OF CHEEKTOWAGA, ERIE
COUNTY, NEW YORK**

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 30th day of May, 1989, at 11:00 A.M. Local Time, in the Town Hall in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the construction of street lighting improvements proposed for the New Erie Industrial Center Site, including appurtenances and related work, complete in place, tested and ready for use, in accordance with Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

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

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York.

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Street Lighting for the, New Erie Industrial Center."

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

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

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

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

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

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

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

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

The work shall be completed within 45 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

By Order of:
RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 18, 1989

EVE J. ALLEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1990

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

WHEREAS, it is in order that bids be advertised to cover the application of a chemical root control agent to sanitary sewer lines in various locations in the Town of Cheektowaga, and

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE,
BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the application of a chemical root control agent to sanitary sewer lines, said notice to be published in THE CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on May 30, 1989 at 11:00 A.M., Eastern Daylight Saving 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 of Cheektowaga on May 30, 1989 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall corner of Broadway and Union Roads, for the application of a chemical root control agent to sanitary sewer lines in the Town of Cheektowaga.

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

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

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

Richard M. Moleski
Town Clerk

DATED: May 15, 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..... MAY 18 1989 ;
last publication..... MAY 18 1989 ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers
.....
18th

Sworn to before me this

day of May....., 1989

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 30, 1989 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the application of a chemical root control agent to sanitary sewer lines in the Town of Cheektowaga.

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

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

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

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

RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 18, 1989

EVE J. ALLEN
Notary Public, State of New York
Qualified in Erie County
My commission expires March 31, 1990

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

WHEREAS, it is in order that bids be advertised for the purchase of Portable Multi-Gas Monitoring Instrument for Confined Space Entry for the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of a Portable Multi-Gas Monitoring Instrument for Confined Space Entry, said notice to be published in THE CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that sealed bids will be received on May 30, 1989 at 11:00 A.M., Eastern Daylight Saving 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 of Cheektowaga on May 30, 1989 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall corner of Broadway and Union Roads, for the purchase of Portable Multi-Gas Monitoring Instrument for Confined Space Entry for the Town Sewer Maintenance Department.

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: May 15, 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..... MAY 18 1989..... ;
last publication..... MAY 18 1989..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers
.....
18th

Sworn to before me this

day of *May*, 19 *89*

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 30, 1989 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of Portable Multi-Gas Monitoring Instrument for Confined Space Entry for the Town Sewer Maintenance Department.

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 may 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: May 18, 1989

ANY COMMISSION EXPIRES MARCH 30
QUALIFIED IN ERIE COUNTY
HISTORY PUBLIC CLERK OF NEW YORK
EVE J. MILLIS

Item No. 8d Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for PLANNING AND TEXTURIZING EXISTING PAVEMENTS IN THE TOWN OF CHEEKTOWAGA. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 2nd, 1989 in the Council Chambers of the Town of Cheektowaga.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for PLANNING AND TEXTURING EXISTING PAVEMENTS for the Cheektowaga Highway Department, at a public bid opening June 2nd, 1989 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR PLANNING AND TEXTURIZING EXISTING PAVEMENTS."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: May 15, 1989

PUBLISHED: May 18, 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..... MAY 18 1989
last publication..... MAY 18 1989..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....

Sworn to before me this 18th

day of May....., 1989..

Eve J. Allis.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for **PLANNING AND TEXTURIZING EXISTING PAVEMENTS** for the Cheektowaga Highway Department, at a public bid opening **JUNE 2ND, 1989 at 11 A.M.** to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked **"BID FOR PLANNING & TEXTURIZING EXISTING PAVEMENTS."**

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 18, 1989

EVE J. ALLIS

My commission expires March 31, 1990
Qualified in Erie County
Notary Public State of New York

Item No. 8e Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of ONE NEW AND UNUSED 1989-90 MODEL, ONE (1) TON DUMP TRUCK for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 2nd, 1989 in the Council Chambers of the Town of Cheektowaga.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989-90 MODEL, ONE (1) TON DUMP TRUCK in the Cheektowaga Highway Department, at a public bid opening June 2nd, 1989 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE NEW AND UNUSED 1989-90 MODEL, ONE TON DUMP TRUCK."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: May 15, 1989

PUBLISHED: May 18, 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. Meyer....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Amy C Meyer's 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.....MAY 18 1989.....;
last publication.....MAY 18 1989.....;
and that no more than six days intervened be-
tween publications.

Amy C. Meyer
.....

Sworn to before me this
18th

day of *May*....., 19*89*.....

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989-90 MODEL, ONE (1) TON DUMP TRUCK in the Cheektowaga Highway Department, at a public bid opening JUNE 2ND, 1989 at 11A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope and plainly marked "BID FOR ONE NEW AND UNUSED 1989-90 MODEL, ONE TON DUMP TRUCK."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 18, 1989

ANY COMMISSIONER EXPIRES (1/1/89)
POSITION IN THE COUNTY
HISTORIC PUBLIC STATE OF NEW YORK
EVE J. ALLIS

Item No. 8f Motion by Councilman Kazukiewicz, 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 ONE NEW AND UNUSED TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 2nd, 1989 in the Council Chambers of the Town of Cheektowaga.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER in the Cheektowaga Highway Department, at a public bid opening June 2nd, 1989 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE NEW AND UNUSED TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: May 15, 1989

PUBLISHED: May 18, 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..... MAY 18 1989..... ;
last publication..... MAY 18 1989..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers
18th

Sworn to before me this

day of May....., 1989

Eve J. Allis.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER for the Cheektowaga Highway Department, at a public bid opening JUNE 2ND, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope and plainly marked "BID FOR ONE NEW AND UNUSED TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 18, 1989

EV3 1111
Notary Public State of New York
Qualified in Erie County
My commission expires March 31, 1990

Item No. 8g Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of ONE NEW AND UNUSED 1989-90 MODEL, 1/2 TON PICK-UP TRUCK for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 2nd, 1989 in the Council Chambers of the Town of Cheektowaga.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989-90 MODEL, 1/2 TON PICK-UP TRUCK for use by the Cheektowaga Highway Department, at a public bid opening June 2nd, 1989 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE NEW AND UNUSED 1989-90 MODEL, 1/2 TON PICK-UP TRUCK."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: May 15, 1989

PUBLISHED: May 18, 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..... MAY 18 1989 ;
last publication..... MAY 18 1989 ;
and that no more than six days intervned be-
tween publications.

Amy C. Meyers.....
18th

Sworn to before me this

day of May....., 1989.....

Eve J. Allis.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989-90 MODEL 1/2 TON PICK/UP TRUCK for use by the Cheektowaga Highway Department, at a public bid opening JUNE 2ND, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE NEW AND UNUSED 1989-90 MODEL 1/2 TON PICK/UP TRUCK."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 18, 1989

APPROPRIATE STATEMENTS
QUESTIONS TO BE
MADE TO THE
TOWN OF CHEEKTOWAGA

Item No. 9a Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated May 4, 1981, the Town Board of the Town of Cheektowaga adopted a Garbage, Rubbish and Refuse Collection Ordinance, Chapter 32 of the Code of the Town of Cheektowaga, and

WHEREAS, Section 32-9 of such ordinance prohibits the throwing, depositing or burning of garbage and refuse in or upon any public highway, street or other public place, and

WHEREAS, Section 32-10 of such ordinance provides penalties of not more than \$250.00 or 15 days imprisonment for violating such ordinance, and

WHEREAS, this Town Board feels that the monetary penalties should be increased to discourage the illegal dumping of garbage within the Town, 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 5th day of June, 1989 at 7:30 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time and place it shall be determined by the Town Board whether Chapter 32 of the Code of the Town of Cheektowaga (Garbage, Rubbish and Refuse) 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

GARBAGE, RUBBISH AND REFUSE ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of May, 1989, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 5th day of June, 1989 at 7:30 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Chapter 32 of the Code of the Town of Cheektowaga (Garbage, Rubbish and Refuse) shall be amended and changed as follows:

RESOLVED that Section 32-10, which relates to penalties for violating or failing to comply with the provisions of such ordinance, shall be amended by deleting the words "two hundred fifty dollars (\$250.)" and by substituting therefor the words "one thousand dollars (\$1,000)"

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

Dated: May 15, 1989

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..... **MAY 18 1989** ;
last publication..... **MAY 18 1989** ;
and that no more than six days intervned be-
tween publications.

Amy C Meyers
.....
18th

Sworn to before me this
day of *May*, 19 *89*

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**NOTICE OF HEARING ON
PROPOSAL TO AMEND
GARBAGE, RUBBISH AND
REFUSE ORDINANCE**

NOTICE IS HEREBY GIVEN
THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which duly passed on the 15th day of May, 1989, and in accordance with the provisions of the Not-For-Profit Corporation Law of the State of New York, a Public Hearing will be held on the 5th day of June, 1989 at 7:00 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Chapter 32 of the Code of the Town of Cheektowaga (Garbage, Rubbish and Refuse) shall be amended and changed as follows:

RESOLVED, that Section 32-10, which relates to penalties for violating or failing to comply with the provisions of such ordinance, shall be amended by deleting the words "two hundred fifty dollars (\$250.)" and by substituting therefor the words "one thousand dollars (\$1,000)".

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

RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 18, 1989

2111A 1 3V3
MAY 18 1989
TOWN OF CHEEKTOWAGA
CLERK'S OFFICE

Item No. 9b Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, the Town Board of the Town of Cheektowaga, on the 20th day of September, 1954, adopted an ordinance to require anyone making an excavation upon any Town property or right-of-way of a Town highway to obtain a permit and pay a fee therefor, and

WHEREAS, by resolution dated December 6, 1954, the fee for such excavation permit was established at \$15.00, and

WHEREAS, the Town Highway Superintendent has recommended that the fee be increased to \$200.00 to reflect current labor rates and material costs, 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 5th day of June, 1989 at 7:30 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time and place it shall be determined by the Town Board whether Chapter 65 of the Code of the Town of Cheektowaga (Streets and Sidewalks) 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
STREETS AND SIDEWALKS ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of May, 1989, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 5th day of June, 1989 at 7:30 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Chapter 65 of the Code of the Town of Cheektowaga (Streets and Sidewalks) shall be amended and changed as follows:

RESOLVED that Article V, Excavations in Right-of-Way, Section 65-29, which relates to fees for permits for excavations on Town property and highways and surety bonds to be filed therefor, shall be amended by:

1. deleting, in the first sentence thereof, the words "fifteen dollars (\$15)" and by substituting therefor the words "two hundred dollars (\$200.)".
2. deleting, in the second sentence thereof, the words "one thousand dollars (\$1,000.)" and by substituting therefor the words "five thousand (\$5,000.) dollars".

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

Dated: May 15, 1989

RICHARD M. MOLESKI
Town Clerk

* * * * *

Item No. 9b 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... MAY 18 1989..... ;
last publication... MAY 18 1989..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers.....
Sworn to before me this 18th
day of May....., 1989
Eve J. Allis.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**NOTICE OF HEARING ON
PROPOSAL AMEND STREETS
AND SIDEWALKS ORDINANCE**

NOTICE IS HEREBY GIVEN
THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of May, 1989, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 5th day of June, 1989 at 7:00 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall

have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether Chapter 65 of the Code of the Town of Cheektowaga (Streets and Sidewalks) shall be amended and changed as follows:

RESOLVED, that Article V, Excavations in Right-of-Way, Section 65-29, which relates to fees for permits for excavations on Town property and highways and surety bonds to be filed therefor, shall be amended by:

1. deleting, in the first sentence thereof, the words "fifteen dollars (\$15.)" and by substituting therefor the words "two hundred dollars (\$200.)";

2. deleting, in the second sentence thereof, the words "one thousand dollars (\$1,000.)" and by substituting therefor the words "five thousand (\$5,000.) dollars";

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 18, 1989

Item No. 9c Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Town acquired ownership of a 50.24 acre parcel of land located on the south side of Walden Avenue west of Harlem Road (S.B.L. Nos. 101.04-1-1.1 and 101.60-8-10.1) and from the County of Erie pursuant to Town Board resolution dated May 2, 1988, and

WHEREAS, the Town is the owner of a 5.6 acre parcel of land adjoining such property (S.B.L. No. 101.60-8-10.2 and 101.04-1-1.2) and

WHEREAS, in the aforementioned resolution dated May 2, 1988, it was stated that it was the Town's intention, in obtaining the land from the County, to have such property marketed by the Cheektowaga Economic Development Corporation ("CEDC") for an industrial park, and

WHEREAS, Section 1411(d) of the Not-For-Profit Corporation Law provides that this Town Board may determine that Town property is not required for use by the Town and authorize the sale or lease of such property to the CEDC on such terms as may be agreed upon between the Town and the CEDC, and

WHEREAS, this Town Board is interested in availing itself of the expertise of the CEDC Board in marketing the aforementioned property for industrial/commercial development, and

WHEREAS, Section 1411(d)(3) requires that, before any sale or lease to a local development corporation shall be authorized, a public hearing shall be held by this Town Board, NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held on the 5th day of June, 1989 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time and place it shall be determined whether this Town Board should transfer any rights (i.e. sale, lease, marketing rights) to the CEDC for the aforementioned Town properties, 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 FOR
TOWN OF CHEEKTOWAGA TO TRANSFER PROPERTY/DEVELOPMENT RIGHTS
TO CHEEKTOWAGA ECONOMIC DEVELOPMENT CORPORATION

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 15th day of May, 1989, and in accordance with the provisions of the Not-For-Profit Corporation Law of the State of New York, a Public Hearing will be held on the 5th day of June, 1989 at 7:00 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the Town Board should transfer property and/or development rights to Town property described as follows to the Cheektowaga Economic Development Corporation:

55+ acres of vacant land located on the south side of Walden Avenue (entrance at 1019 Walden Avenue), north of the existing Conrail railroad yard and 900+ feet west of Harlem Road. A map depicting the location of such property shall be on file in the Town Clerk's Office at Town Hall where the same may be viewed during regular business hours.

Item No. 9c cont'd

The terms of the transfer of property and/or development rights to the Cheektowaga Economic Development Corporation shall be discussed at such public hearing.

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

Dated: May 15, 1989

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 ¹ weeks:
first publication..... *5-18-89* ;
last publication..... *5-18-89* ;
and that no more than six days intervened be-
tween publications.

Amy C. Meyers.....
..... *18th*

Sworn to before me this

day of *May*....., 19*89*.....

Eve J. Allis.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**NOTICE OF HEARING ON
PROPOSAL FOR TOWN OF
CHEEKTOWAGA TO TRANS-
FER PROPERTY/DEVELOP-
MENT RIGHTS TO CHEEK-
TOWAGA ECONOMIC DEVEL-
OPMENT CORPORATION**

NOTICE IS HEREBY GIVEN
THAT, in pursuance of a Resolution of
the Town Board of the Town of Cheek-
towaga, which was duly passed on the
15th day of May, 1989, and in accor-
dance with the provisions of the Not-
For-Profit Corporation Law of the
State of New York, a Public Hearing
will be held on the 5th day of June,

1989 at 7:00 o'clock P.M., at the
Cheektowaga Town Hall, corner of
Broadway and Union Road, Cheek-
towaga, New York, at which hearing
all parties in interest and citizens shall
have an opportunity to be heard and at
which time and place it shall be deter-
mined by the Town Board whether the
Town Board should transfer property
and/or development rights to Town
property described as follows to the
Cheektowaga Economic Develop-
ment Corporation:

55+/- acres of vacant land located
on the south side of Walden Avenue
(entrance at 1019 Walden Avenue),
north of the existing Conrail railroad
yard and 900+/- feet west of Harlem
Road. A map depicting the location of
such property shall be on file in the
Town Clerk's Office at Town Hall
where the same may be viewed during
regular business hours.

The terms of the transfer of property
and/or development rights to the
Cheektowaga Economic Develop-
ment Corporation shall be discussed at
such public hearing.

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

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 18, 1989

RECEIVED

Office of the Town Clerk
Cheektowaga, New York
May 18, 1989

MEETING NO. 13
May 15, 1989

Item No. 9d Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, Ronald E. Lipp has made application and requested a Rezoning from M1-Light Manufacturing District to CM-General Commercial District and a Special Use Permit to operate an auto and truck repair garage for property located at 782 Aero Drive, 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 June 5, 1989 at 7:00 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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 for1..... weeks:
first publication..... MAY 18 1989..... ;
last publication..... MAY 18 1989..... ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers

Sworn to before me this 18th

day of May, 1989

Eve J Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, County of Erie, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 5th day of June, 1989 at 7:00 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Ronald E. Lipp for a Special Permit to operate auto & truck repair garage on property located at 782 Aero Drive pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

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. eighty-one (81), Township eleven (11), Range seven (7), of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the south line of lands heretofore conveyed by Joseph Foisset and Mary Foisset, his Wife, to Albert Ryley by Deed recorded June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at page 34, said point being eight hundred one and ninety-five hundredths (801.95) feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81 and along the said south line of lands of said Albert Ryley, sixty-eight and seven hundredths (68.07) feet to a point; running thence southerly five hundred fifty-four and nine tenths (554.9) feet to the northerly line of Aero Drive laid out as a highway seventy (70) feet wide; thence in a southwesterly direction along said northerly line of Aero Drive seventy (70) feet to a point; thence northerly and parallel with the westerly line of Lot No. seventy-seven (77), a distance of five hundred seventy and seventy-five hundredths (570.75) feet to the point or place of beginning.

PUBLISH: May 18, 1989

20 CHEEKTOWAGA TIME

My commission expires March 31, 1990
Qualified in Erie County
Notary Public State of New York
EVE J. ALLEN

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, County of Erie, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 5th day of June, 1989 at 7:00 o'clock, P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Ronald E. Lipp to Rezone from M-1 Light Manufacturing District to CM General Commercial District on property located at 782 Acro Drive and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,
Jr.
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
RICHARD M. MOLESKI
Town Clerk
PUBLISH: May 18, 1989

My commission expires on
Councilman in the County
Notary Public
EVE J. ALLEN

MEETING NO. 13
May 15, 1989

Item No. 10a Motion by Councilman Kulyk, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga and the Town of Cheektowaga Employees Association have agreed to the terms and conditions for a successor 1989-1991 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 Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

* See next pages for Agreement

Upon Roll Call....

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

A G R E E M E N T
BETWEEN
THE TOWN OF CHEEKTOWAGA
AND THE
TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

THIS AGREEMENT IS MADE THIS 16th DAY OF *May*, 1989,
BY AND BETWEEN THE SUPERVISOR OF THE TOWN OF CHEEKTOWAGA, ON
BEHALF OF THE TOWN BOARD OF CHEEKTOWAGA, HEREINAFTER REFERRED
TO AS THE "BOARD", AND THE TOWN OF CHEEKTOWAGA EMPLOYEES
ASSOCIATION, HEREINAFTER REFERRED TO AS THE "UNION", HAS AS
ITS PURPOSE THE PROMOTION OF HARMONIOUS RELATIONS BETWEEN THE
BOARD AND THE UNION, ESTABLISHMENT OF AN EQUITABLE AND
PEACEFUL PROCEDURE FOR THE RESOLUTION OF DIFFERENCES; AND THE
ESTABLISHMENT OF RATES OF PAY, HOURS OF WORK AND OTHER
CONDITIONS OF EMPLOYMENT.

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

ARTICLE 1

RECOGNITION

The Board recognizes the Union as the sole and "exclusive bargaining agent for the purposes of establishing wages, hours and other conditions of employment for the employees in the negotiating unit, hereinafter described. Such recognition shall extend to the maximum period allowed by law.

ARTICLE 2

NEGOTIATING UNIT

The negotiating unit shall consist of all the employees of the Town of Cheektowaga including dog wardens, except elected officials, members of the Police Department, Supervisor's Secretary, the Town Attorney, Clerks to the Town Justices, Town Engineer, Fiscal Officer, Executive Director of the Youth Board, the Assessors, First Deputy Town Clerk, Second Deputy Town Clerk, Deputy Receiver of Taxes and Assessments, Youth Board Program Coordinator, Senior Recreation Supervisor, General Foreman and Working Foreman, Director of Administration and Finance, Coordinator of Employee Relations, Supervising Building and Plumbing Inspector, clerical personnel of the Office of Employee

Relations, Public Safety Dispatchers, members of the Boards and Commissions appointed by the Town Board, seasonal, temporary and part-time employees.

ARTICLE 3

UNION SECURITY

SECTION 3.01 - Union Membership

(a) Each employee who on the effective date of this Agreement, or who thereafter is a member of the Union and files a dues deduction authorization, shall have dues deducted from his paycheck, on a weekly basis.

(b) Any employee who is not a member of the Union shall pay an agency fee to the Union equal to the dues deduction. Such agency fee shall be deducted and transmitted to the Union in the same manner as dues. The Union agrees to indemnify and hold harmless the Town for any deductions made pursuant to this subparagraph and for any claims made against the Town by any agency fee payer.

SECTION 3.02 - PAYROLL DEDUCTION OF UNION DUES

(a) All employees who are members of the Union shall tender their membership dues to the Union by signing the Authorization for Payroll Deduction of Union Dues on a form provided by the Union.

(b) The Board agrees to deduct Union membership dues in accordance with the amount certified by the Union to the

Board and to maintain such dues deductions in accordance with the terms and conditions of the form of Authorization for Payroll Deduction of Union Dues provided by the Union from the pay of all employees who have executed such authorization for payroll deduction of Union Dues.

(c) Payroll deduction of Union dues under the properly executed Authorization for Payroll Deduction of Union dues form shall become effective at the time the form is signed by the employee and shall be deducted by the next full pay period and each period thereafter from the pay of the employee, providing the form is duly filed with Fiscal Officer.

(d) The aggregate total of all such deductions shall be remitted each week to the designated financial officer of the Union together with a list from whom dues have been deducted on or before the tenth (10th) of every such month.

(e) Any changes in the amount of Union dues to be deducted must be certified by the Union in writing to the Fiscal Officer.

(f) The Union agrees to indemnify and hold harmless the Town for all deductions made pursuant to this section.

SECTION 3.03 - BULLETIN BOARDS

The Town shall install bulletin boards with lock and keys given to the Union President at the following work locations: Highway Department, Sanitation Department, Sewer

Department, Building Maintenance Office, Town Hall, Police and Court Building, Cheektowaga Recreation Center, Main Pump Station, Facilities Department (all locations), Senior Citizens Center, and Youth Bureau. Said bulletin boards shall be for the exclusive use of the Union and for the purpose of posting seniority lists and job opportunities. The size of the said bulletin boards shall be twenty-four (24") inches by thirty-six (36").

SECTION 3.04 - ACCESS TO PREMISES

The Town agrees to permit representatives of the Union to enter the premises of the Town for individual discussion of working conditions with employees during working hours, providing that such discussion does not unduly interfere with the performance of his duties. All non-bargaining representatives of the Union must receive prior approval from the Town Supervisor or his designee before entering the premises of the Town.

SECTION 3.05 - AID TO OTHER UNIONS

The Town agrees there will be no aid, promotion or financing of any labor group or organization which purports to engage in collective bargaining on the part of the Board or those designated as his representative or subordinate staff for the purpose of undermining the Union during the term of this Agreement.

SECTION 3.06 - JOB SECURITY

The Town agrees that for the life of this Agreement, permanent employees covered by this Agreement will not decrease below two hundred fifty-eight (258) employees.

ARTICLE 4

MANAGEMENT'S RIGHTS

The Board reserves the exclusive right to manage the business of the Town and to direct the employees in the discharge of their duties, subject to the terms of this Agreement. The right to manage and direct the employees includes the right to hire, suspend, or discharge for proper cause in accordance with the applicable laws, the apportionment of the working force and the right to control the Town's property. In the exercise of these rights, the Board shall observe and be bound by all provisions of this Agreement.

ARTICLE 5

HOURS OF WORK

SECTION 5.01 - REGULAR HOURS

(a) The regular hours of work each day shall be consecutive, except for interruptions for lunch periods.

(b) All employees covered by this Agreement shall be required to either sign a time sheet or use a time clock at the beginning of the shift and conclusion thereof and at the

beginning and end of each lunch break. Time clocks will not be implemented until the Town provides appropriate facilities for lunch in all departments.

SECTION 5.02 - WORK WEEK

(a) The normal work week shall consist of (5) consecutive eight (8) hour days, Monday through Friday, inclusive, except where otherwise provided in this Agreement.

(b) Office employees in the Town Hall shall continue under the present system which is from Monday through Friday, 9:00 a.m. to 4:30 p.m.

(c) Should any Department desire to initiate a different work week schedule for certain employees, the matter shall be negotiated with the Union. The Union shall be notified at least thirty (30) working days prior to the anticipated change in the work week schedule, except in cases of emergency.

(d) The regular starting times for employees in the Sanitation Department shall be 6:00 a.m. for morning shift employees and 11:00 a.m. for afternoon shift employees. Said employees shall continue to work under the incentive system which permits a shift to end after five (5) hours with the satisfactory completion of the assigned routes or districts. Employees in the Department shall have the option of waiving meal period and rest periods. The existing sign-in and sign-out procedure and practice shall continue.

(e) Overtime shall be paid to Sanitation Department employees only for the number of overtime hours actually worked beyond their normal shift.

SECTION 5.03 - WORK SHIFT

Eight (8) consecutive hours of work, including lunch periods, shall constitute a work shift, except for employees in the Sanitation Department. All other employees shall be scheduled to work on a regular work shift, and each work shift shall have a regular starting and quitting time.

SECTION 5.04 - WORK DAY

Eight (8) consecutive scheduled hours of work within the twenty-four (24) hour period shall constitute the regular work day.

SECTION 5.05 - WORK SCHEDULE

(a) Work schedules showing the employees' work shifts, work days and hours shall be posted on all departments' bulletin boards at all times.

(b) Except for emergency conditions, work schedules shall not be changed unless the changes are mutually agreed upon by the Union and the Board.

SECTION 5.06 - WORK RECORDS

A daily record of time worked shall be made available to each employee upon request.

SECTION 5.07 - REST PERIODS

(a) All employees' work schedules shall provide for a

fifteen (15) minute rest period each one-half (1/2) shift. Generally, the Town shall attempt to schedule rest periods at the midpoint of each one-half (1/2) shift. Unless permitted otherwise by the Foreman or Department Head, rest periods are to be taken on the work premises or job site.

(b) Employees required to work beyond their regular quitting time into next shift shall receive a fifteen (15) minute rest period before they start to work on the next shift. In addition, they shall be granted the regular rest period that occurs during this shift.

(c) It is understood that rest periods shall be scheduled so as not to unduly interfere with the work to be performed.

SECTION 5.08 - CLEANUP TIME

All employees shall be granted a ten (10) minute cleanup period prior to the end of the regular work shift.

SECTION 5.09 - INCLEMENT WEATHER

In the event of severe weather, all employees are expected to make every reasonable effort to report for work at their regularly scheduled time, unless notified that the department is closed, such closing will be made by radio announcement, as per Section 5.10. If an employee is unable to report on time but does report by 12:00 noon, he shall be paid as if he reported for work on time.

If the employee, after having made every reasonable

effort to report for work is unable to do so, he will have the option of using sick or personal day. If he has no accrued sick or personal days, he shall be permitted to use a vacation day.

SECTION 5.10 - CLOSING OF DEPARTMENTS

The Town Supervisor, due to inclement weather, may shut down any or all departments. The closing of the department shall mean that no employee shall report to work. Any employee whose department has been shut down as per Section 5.09 shall have the option of using a sick or personal day. If he has no accrued sick or personal days, he may use a vacation day.

If the department is closed for three (3) consecutive work days by order of the Supervisor, one (1) 'Act of God' day (eight [8] hours) will be allowed each employee.

SECTION 5.11 - INCLEMENT WEATHER CALL IN

After the Town Supervisor has declared an inclement weather condition, and after all department full-time employees have been utilized, if it becomes necessary to utilize additional full-time employees from other departments, employees will be called in according to a town-wide seniority list on the basis of their experience and demonstrated ability to operate related equipment. Any employee who works in another department during an emergency situation will be charged with such overtime.

SECTION 5.12 - LUNCH PERIODS

All employees covered by this Agreement shall have a paid lunch period of at least one-half (1/2) hour, except clerical employees who shall have a one (1) hour paid lunch period.

SECTION 5.13 - (Effective 1/1/90)

All employees are to be ready to begin work at their respective job sites at the start of their regular shift. All employees shall be given a five (5) minute allowance for preparation for work, at straight time. Such allowance shall be for all days actually worked and all authorized, paid benefit days. Payment for such shall be made in a lump sum in December of each year.

ARTICLE 6

HOLIDAYS

SECTION 6.01 - HOLIDAYS OBSERVED AND RECOGNIZED

The following shall be recognized and observed as paid holidays:

New Year's Day	Election Day
January 2nd	Veterans Day
Presidents' Day	Columbus Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	December 24th
Labor Day	Christmas Day
	Employee Birthday

(a) An employee may take the holiday designated as the "employee birthday" on any one of his normal work days during the week the birthday falls. The employee shall obtain the prior approval of his Department Head before taking such day.

(b) Employees covered by this Agreement shall receive one (1) days pay for each of the holidays listed above on which they perform no work.

(c) If any of the holidays listed falls on a Sunday, then the succeeding Monday shall be observed as a holiday. If any of the holidays listed falls on a Saturday, then the preceding Friday shall be observed as a holiday. Any employee whose regular work week schedule includes Saturday and/or Sunday shall be paid for the listed holidays on the day they actually fall. This subsection shall not apply to the "employee birthday" holiday.

(d) Whenever any of the above holidays shall fall during an employee's vacation period, then the employee shall, in addition to his pay for such day, receive a lieu day, to be taken at the employee's option provided two (2) weeks notice is given to his immediate supervisor.

(e) Eligibility for holiday pay shall be as set forth in Section 6.02.

SECTION 6.02 - ELIGIBILITY REQUIREMENTS

All employees covered by this Agreement shall be eligible for holiday pay under the following conditions:

(a) The employee would have been scheduled to work on such day if it had not been observed as a holiday, unless the employee is on an authorized vacation, sick leave, personal leave or being paid workers' compensation benefits, in which case an additional day off shall be granted.

(b) The employee worked his last scheduled work day prior to the holiday and his next scheduled work day after the holiday.

(c) The employee must have actually worked ten (10) days during the month in which the holiday occurred in order to be eligible for the paid holiday as set forth in this Article. The term "actually worked" as used in this subsection shall include only days on-the-job and paid leave days, except for sick leave and Workers' Compensation.

SECTION 6.03 - HOLIDAY PAY

(a) All employees who perform no work on a holiday shall be paid their current rate of pay for that day based on their regular pay.

(b) All employees whose regular work day differs from the standard eight (8) hour day, shall be paid their daily rate of pay based on the standard eight (8) hour day.

SECTION 6.04 - HOLIDAY WORK

If any employee works on any of the holidays listed in article 6, Section 6.01, or on any other day when Town Hall is closed by resolution of the Town Board, he shall be paid one and one-half (1 1/2) times his regular rate of pay in addition to his regular rate of pay for the day.

SECTION 6.05 - HOLIDAY HOURS FOR OVERTIME PURPOSES

For purposes of computing overtime, all holiday hours unworked for which an employee is compensated shall be regarded as hours worked. Any employee who works on a holiday shall be compensated in accordance with Section 6.04; but such overtime hours shall not be computed in his overtime record for the equalization of overtime purposes.

SECTION 6.06 - SPECIAL OBSERVANCES

Employees required to work on Easter Sunday or Yom Kippur shall be permitted to attend religious services not to exceed two (2) hours without loss of time or pay.

ARTICLE 7

VACATIONS

SECTION 7.01 - CHOICE OF VACATION PERIOD

(a) The Department Head shall furnish vacation request forms in duplicate. One (1) is to be retained by the employee and one (1) by the Department Head.

(b) Vacation(s) shall be granted at the time requested by the employee, provided that such requests are made between January 1st and the last day of February of the year the vacation is to be taken. Department Heads shall post the vacation schedule not later than March 15th of the year the vacation is to be taken. If the nature of the work makes it necessary to limit the number of employees on vacation, the employee with the greater seniority shall be given his choice

of vacation period. Vacation days may be taken in no less than one (1) day units, provided at least forty-eight (48) hours advance notice is given by the employee to his Department Head. Where practicable, vacations must be taken in full weeks. Vacation requests shall not be unjustly denied.

(c) Vacation periods shall be taken each year. Employees who do not request a vacation period by the end of the bidding period following the year in which the vacation was earned shall be scheduled for a vacation by the Department Head. However, the vacation shall be scheduled within the balance of the month's remaining in the employee's work year.

(d) No employee shall be required to work during his regularly scheduled vacation period.

SECTION 7.02 - VACATION SCHEDULE

(a) Employees hired prior to January 1, 1979 will accrue vacation as of each January 1st.

(b) Employees hired on or after January 1, 1979 will accrue vacation as of their anniversary date of hire. Vacation will be provided in accordance with the following schedule:

After 1 year10 work days
After 5 years.....15 work days
After 10 years.....18 work days
After 15 years.....23 work days
After 20 years.....25 work days
After 25 years.....30 work days

Effective January 1, 1990, vacation will be provided in accordance with the following schedule:

After 1 year.....10 work days
After 5 years.....15 work days
After 10 years.....18 work days
After 13 years.....20 work days
After 15 years.....23 work days
After 18 years.....24 work days
After 20 years.....25 work days
After 23 years.....27 work days
After 25 years.....30 work days
After 28 years.....1 additional day for
each year of service
and thereafter

SECTION 7.03 - VACATION CREDITS UPON LAYOFF, SEPARATION
OR DEATH

All employees covered by this Agreement shall receive in cash any vacation credits earned in the previous year and a pro-rata payment for the current year, in the event of

layoff, separation (other than for cause) or death. The pro-rata payment of vacation shall be determined by dividing twelve (12) into the number of vacation days earned the previous year, then multiplying by the number of months since the end of the previous year. In the event of the death of an employee, such payment shall be made to his estate.

SECTION 7.04 -VACATION CARRYOVER

Vacation carryover means carrying unused vacation entitlement from one year to the next consecutive year. The Department Head may allow vacation carryover in the specific instances which follow:

(a) Any employee entitled to vacation benefits who may become ill or incapacitated prior to the taking of such vacation may request carryover privileges provided that such illness or accident is medically verified by the attending physician specifying the nature, anticipated duration and date of disability.

(b) An employee being injured in the discharge of his duties.

(c) An employee eligible to carryover vacation in (a) or (b) above may, at his option, elect to receive the cash equivalent of five (5) or ten (10) days of earned vacation, if he has sufficient vacation days to his credit. Payment for such shall be made in December of the year the vacation is to be taken. If the employee elects to receive such cash

equivalent, the balance of earned vacation, if any, over five (5) or ten (10) days, may then be carried over, subject to the provisions of this Section.

(d) The decision of the Department Head of granting or denying such carryover is not subject to the grievance procedure.

SECTION 7.05 - VACATION CREDITS UPON RETIREMENT

(a) Each employee shall be paid, at the time of his retirement, the monetary value of any unused vacation time and overtime standing to his credit on the date of the retirement.

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

ARTICLE 8

SICK LEAVE

SECTION 8.01 - SICK LEAVE DEFINED

(a) Sick leave shall apply to absence due to illness of an employee, his spouse, if residing in the same household as the employee or minor child(ren) or step-child, except where such illness or injury is due to injury or disease for which the employee is entitled to receive Workers' Compensation.

(b) Employees who are unable to perform their duties because of injuries or disease received in the course of their employment shall receive Workers' Compensation benefits according to the Law and, in addition, shall receive a supplemental sum from the Town by separate check, which shall be the difference between his regular salary and the Worker's Compensation benefits, and such supplemental sums shall be deducted from his accumulated sick leave at the rate of one-third (1/3) per day of absence due to injury, or upon total use of accumulated sick leave, shall be deducted from vacation credits.

SECTION 8.02 - APPLICATION AND ACCRUAL

(a) Regular full-time employees hired prior to January 1, 1969 shall earn sick leave at the rate of one and one-half (1 1/2) days per month, which shall accumulate to a maximum of two hundred sixty-two (262) days.

(b) Regular full-time employees hired on or after January 1, 1989 shall earn sick leave as follows:

- (1) For the first eighteen (18) months of employment at the rate of one (1) day per month;
- (2) For the second eighteen (18) months of employment at the rate of one and one-quarter (1 1/4) days per month;
- (3) After thirty-six (36) months of employment at the rate of one and one-half (1 1/2) days per month;
- (4) Regular full-time employees hired on or after January 1, 1989 shall accumulate sick leave to a maximum of one hundred sixty-five (165) days.

(c) Any employee must have actually worked at least ten (10) days during the month to be credited with sick leave accrual for that month. For the purposes of this subsection, paid days off, except sick leave days, shall be considered days actually worked.

(d) Each employee shall receive a written net record of his accumulated sick leave balance at the end of each calendar year. The employee's record shall be debited one (1) full day for each sick day used. Partial sick days shall be debited to the nearest two (2) hours used.

(e) The Town Board may, by act or resolution, authorize extended sick leave payments for sick leave in the event of sickness or injury of the employee, if the employee has

exhausted all of his accrued sick leave, sick leave bank benefits and any other paid leave benefit. Such payment however shall not exceed fifteen (15) days and must be repaid to the Town upon return to work.

(f) No sick leave shall be authorized and no payment shall be made unless the employee shall have notified his immediate supervisor of his absence, the reason therefore, and his anticipated return, at the earliest opportunity prior to the time he is scheduled to report for work.

(g) Employees believed to be abusing sick leave privileges, in the first instance, may be given written warning by the Town Supervisor or his designee, that any future sick leave must be supported by medical documentation and further that a failure to improve or to provide said documentation may be grounds for disciplinary action. Such documentation and improvement will be required for the time set forth in such warning.

(h) If an employee is believed to be abusing sick leave privileges after being given the warning set forth in Section 8.02(g), he shall be subject to the disciplinary procedure of this Agreement, without any further warnings.

(i) In the event an employee is laid off as a result of the abolition of a position and returns to employment in the bargaining unit within one (1) year, his previously accumulated sick leave balance shall be restored to him.

(j) If an employee is absent for three (3) consecutive work days, the Department Head may require a medical report attesting to the employee's illness or family's illness, as set forth in Section 8.01(a), and inability to work before the employee shall receive pay for those days. If an employee is absent the day before and the day after a normal weekend , or the day before and the day after a holiday or holiday weekend, such an absence shall be considered as three (3) consecutive work days of absence for purposes of this subsection.

(k) New employees shall not be entitled to sick leave credits until they have successfully completed their probationary period. Upon successful completion thereof, the employee will be given sick leave credit retroactive to his date of hire in accordance with the provisions of this Article.

(l) Notwithstanding any of the foregoing, an employee believed to be abusing sick leave privileges may be required to submit medical documentation to substantiate each absence, regardless of the duration thereof.

(m) (1) Beginning March 1, 1989, an employee who actually works all of his regularly scheduled hours from that date through December 31, 1989, shall be given a single lump sum payment (net of applicable taxes) in the amount of three hundred dollars (\$300.00) on the second pay period in January, 1990. For purposes of this subsection, the term "actually worked all of his regularly scheduled hours" shall include only hours actually worked, vacations, personal leave days, holidays, jury duty, civic duty and military service leave. For each month during 1989 (beginning in March, 1989) an employee does not actually work all of his regularly scheduled hours, the amount of the lump payment shall be reduced by the sum of thirty dollars (\$30.00), to a maximum of two hundred ten dollars (\$210.00) payment. An employee who does not actually work all of his regularly scheduled

hours in more than three (3) months between the months of March and December, 1989, inclusive, shall not receive any payment as set forth herein.

(2) Beginning January 1, 1990, an employee who actually works all of his regularly scheduled hours as set forth and defined in (m - 1) above, shall be given a single lump sum payment (net of applicable taxes) in the amount of three hundred dollars (\$300.00) on the second pay period in January, 1991. For each month an employee does not work all of his regularly scheduled hours, as set forth above, during 1990, the amount of the lump sum payment shall be reduced by the sum of twenty five dollars (\$25.00) to a maximum of two hundred dollars (\$200.00) payment. An employee who does not actually work all of his regularly scheduled hours, as set forth above, in more than four months in 1990, shall not receive any payment as set forth herein.

SECTION 8.03 - UNUSED SICK LEAVE UPON RETIREMENT

Employees who retire shall be compensated for accumulated sick leave at the time of retirement as follows:

1989 - 45% of total value of accumulated sick leave

1990 - 55% of total value of accumulated sick leave

1991 - 65% of total value of accumulated sick leave

These payments may be paid over the last twelve (12) months of employment, provided the employee must give at least twelve (12) months notice of the date on which he will

retire. Notice must be tendered on a form provided by the Board and shall be deemed a resignation to take effect on a future date twelve (12) months after acceptance of the resignation by the Town Board. The foregoing time limit shall not apply where an employee becomes sufficiently disabled to warrant his disability retirement under the New York State Employees Retirement System.

SECTION 8.04 - SICK BANK

The Sick Leave Bank as heretofore established and controlled by the Association shall continue.

SECTION 8.05 - SICK LEAVE UPON DEATH

If a person shall die while an employee covered under this Agreement, payment of a portion of his accumulated sick leave balance shall be made to his estate. Such payment shall equal:

- 1989 - 45% of total value of accumulated sick leave
- 1990 - 55% of total value of accumulated sick leave
- 1991 - 65% of total value of accumulated sick leave

ARTICLE 9

LEAVE OF ABSENCE

Employees covered by this Agreement shall be eligible for a leave of absence for reasonable purpose, including, but not limited to, a child rearing leave for natural or adopted children, after six (6) months of employment. All such leaves, whether paid or unpaid, shall be handled in accordance with the following procedure:

(a) Any request for a leave of absence shall be submitted in writing by the employee to the Board. The request shall state the reason the leave of absence is being requested and the length of time off the employee desires.

(b) Any authorization for a leave of absence shall be furnished to the employee by the Board, and it shall be in writing.

(c) A request for a short leave of absence, not exceeding one (1) month, shall be answered within five (5) days. A request for a leave of absence exceeding one (1) month shall be answered within (10) days. No leave of absence shall exceed one (1) year in length.

(d) Employees shall be returned to the position they held at the time the leave of absence was granted and shall accrue seniority while on any leave of absence granted under the provisions of this Agreement.

(e) A request for leave of absence shall not be granted to the employee for the purpose of engaging in employment other than for the Town of Cheektowaga except that a request for a leave of absence for reasons of self-employment for a period of no longer than six (6) months may be granted at the discretion of the Town Board. Seniority and benefits shall not accrue during a leave of absence granted for engaging in self-employment.

(f) The granting or denying of a leave of absence is in

the sole discretion of the Town Board. Their decision is final and binding on all parties and is not reviewable through the grievance procedure.

ARTICLE 10

LEAVES OF ABSENCE

SECTION 10.01 - BEREAVEMENT LEAVE

(a) Employees hired prior to January 1, 1989 shall be granted five (5) consecutive work days paid leave in the event of the death of an employee's spouse, parent, child, sister, brother, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law. If a death occurs during the regular work day, the day will not be charged as one of the five days.

(b) Employees hired on or after January 1, 1989 shall be granted paid bereavement leave as follows:

death of: spouse, child, parent, grandparent, grandchild,

brother, sister....(5) consecutive work days

death of: father-in-law, mother-in-law, sister-in-law,

brother-in-law, daughter-in-law, son-in-law...

three (3) consecutive work days

(c) To be eligible to receive paid bereavement leave, the employee shall notify his immediate supervisor at the earliest opportunity prior to the time he is scheduled to report. The employee shall advise his immediate supervisor of the reason for his absence and the anticipated number of days he will be absent from work as a result thereof.

SECTION 10.02 - PERSONAL LEAVE

(a) Personal leave shall mean a paid leave of absence from scheduled work, for the purpose of the employee performing a personal obligation or emergency.

(b) Employees hired prior to January 1, 1989 shall be granted five (5) such days per year. Employees hired on or after January 1, 1989 shall be granted three (3) personal leave days during their first year of employment; four (4) personal leave days during their second year of employment; and five (5) personal leave days during their third year of employment and thereafter.

(c) Personal leave days are non-cumulative. Such days may be used only if approved at least twenty-four (24) hours in advance by the employee's immediate supervisor, except in the case of an emergency. Such approval shall not be unreasonably withheld. No more than five (5) employees in any department will be granted such personal leave for the same days.

(d) Any personal leave days not used by an employee shall be added to his vacation entitlement in the following year or to his sick leave accumulation, at the employee's option.

SECTION 10.03

Employees who are required to report for jury duty must notify his department head of such and provide a copy of the

notice to the department head. Employees who report for jury duty shall be paid their full salary; they shall, however, assign to the Board all fees, except those sums received as reimbursement for actual expenses, such as mileage, meals, lodging and the like.

SECTION 10.04 - CIVIC DUTY

(a) Employees subpoenaed to appear before a court or other public body on a matter not related to their work and in which they are not personally involved as plaintiff, defendant or other party, shall be granted leave without pay for the period necessary to a maximum of two (2) work days. Effective January 1, 1990, such employee shall be granted such a leave, with pay, for the period necessary, to a maximum of two (2) work days. The employee shall use his sick leave accumulation, vacation days or personal leave days for such absence, at the employee's option, to receive pay for such. The employee must provide a copy of the subpoena to his immediate supervisor prior to the time he will be absent to receive pay for such absence.

(b) Employees subpoenaed to appear before a court or other public body on a matter related to their employment with the Town shall receive their regular rate of pay for such time, without loss of any leave accruals or benefits.

The employee must provide a copy of the subpoena to his immediate supervisor prior to the time of his absence from work.

SECTION 10.05 -MILITARY SERVICE LEAVE

All employees eligible for benefits under Section 242 and 243 of the Military Law of the State of New York shall be guaranteed such benefits in full accordance with the law.

SECTION 10.06 - UNION LEAVE

A maximum of (4) members of the Union elected to attend a function such as conventions or educational conferences or the like, shall be allowed time off without loss of pay, not to exceed an aggregate of thirty (30) days in any one (1) calendar year, provided that said request shall be made in writing at least two (2) weeks prior to the requested time off.

SECTION 10.07 - LEAVE FOR CIVIL SERVICE EXAMINATION

Upon written application in advance to the Town Board, an employee shall be granted the time, with no loss of pay, to take civil service tests with relation to Town employment. Leave will be granted for specified time limit of examination.

SECTION 10.08 - VOLUNTEER FIREMEN

Any volunteer fireman called to active duty as a result of a major incident during work hours shall be excused from work, upon notifying his supervisor, with no loss of pay or other benefits, provided such is necessary, practical and does not endanger or impair Town services or equipment. When responded to, firefighters shall be required to return to work promptly upon completion of the call, or when their services are no longer needed, whichever is sooner.

ARTICLE 11

UNPAID LEAVES

SECTION 11.01 - UNION BUSINESS

(a) Employees elected to any Union office or selected by the Union to do work which takes them from their employment with the Board, shall, at the written request of the Union, be granted a leave of absence without pay. The leave of absence shall not exceed one (1) year, but it may be renewed or extended for a similar period at any time upon request of the Union.

(b) Members of the Union selected by the Union to participate in any other Union activity may be granted an unpaid leave of absence at the request of the Union. A leave of absence for such Union activity shall not exceed one (1) month, but it may be renewed or extended for a similar period of time upon the request of the Union.

SECTION 11.02 - EMPLOYMENT OPPORTUNITIES

Employees shall be granted a leave of absence without pay to enable such employees to serve temporarily, provisionally, for trial periods, or for periods necessary to qualify for permanent appointment to a competitive class or another position of higher class that requires such conditions to be met or where an employee is offered a job on a permanent transfer, so long as said employment is with the Town of Cheektowaga.

SECTION 11.03 - EDUCATION

(a) After completing one (1) year of service, any employee, upon request, shall be granted a leave of absence for educational purposes. The period of the leave of absence shall not exceed one (1) year, but it may be extended or renewed at the request of the employee.

(b) One (1) year leave of absence (with any granted extension) for educational purposes shall not be provided more than once every three (3) years.

(c) Employees shall be granted leaves of absence for educational purposes, not to exceed (1) month in any calendar year to attend conferences, seminars, briefing sessions, or other functions of a similar nature that are intended to improve or upgrade the individual's skill or professional ability.

SECTION 11.04 - MATERNITY LEAVE

Any employee who is disabled because of pregnancy shall be permitted to have maternity leave. Maternity leave shall commence on the date an employee is incapable of performing her duties and shall terminate on the date the employee is capable of returning to her regular duties, as determined by her doctor. During such maternity leave, the employee may utilize accumulated sick leave, personal and/or vacation. In addition, the employee may have medical insurance premiums paid by the Town, pursuant to Article 14, during such maternity leave.

ARTICLE 12

RETIREMENT PLAN

(a) The Board will provide for each employee covered by this Agreement, coverage under the New York State Career Retirement Plan, provided for in Section 75-i of the New York State Retirement and Social Security Plan commonly known as the Non-Contributory "20 Year Career" plan at no cost to the employees.

(b) All employees must give the Town copies of requests for retirement which are submitted to the New York State Retirement System.

ARTICLE 13

INSURANCE COVERAGE

The Town will provide a twenty five thousand (\$25,000) dollar life insurance policy for each member of the bargaining unit.

ARTICLE 14

HEALTH INSURANCE

(a) The Town shall cover all employees under a plan substantially the same as that which was provided by the 82-83 Blue Cross/Blue Shield Plan, and shall pay the full premium therefore, except as otherwise provided herein, including XBR, \$1.00 co-pay prescription rider, major medical (\$50.00 deductible), and rider 16. In addition the Town shall continue to offer the options of Community Blue or Health Care Plan to employees without additional cost.

(b) The Town shall also provide to employees those riders commonly known as riders 3, 4, 8, 12, 14 and prescription rider 8; or equivalent.

(c) In the event an employee shall opt for coverage in a plan other than that provided by the Town as set forth above, the employee shall pay to the Town the difference in premium, if any.

(d) Upon reasonable advance, written application or notice to the Employee Relations Office, employees may continue health insurance coverage in the Town of Cheektowaga Health Insurance Plan while on authorized leave of absence without pay (excluding leave because of extended illness pursuant to provisions of this Agreement) provided that the employee makes full payment of the monthly premium on or before the 1st day of each month that the employee is on leave.

(e) The Town may select a different carrier or carriers as long as the benefits provided are substantially the same, and the issue, if any, of substantially the same benefits, is agreed to by the Union. In the event such agreement is not had, the issue shall be submitted directly to arbitration pursuant to Article 21 herein.

(f) The Town shall provide health insurance coverage for employees who retire during the life of this Agreement as set forth in paragraphs (a) and (c) herein. All retirees,

however, must reduce such coverage to medicare supplemental coverage at the age of sixty-five (65) as provided by the current health insurance carrier. Such coverage shall extend for the life of the retired employee.

(g) The Town shall also provide to employees, without cost, a dental insurance plan which will provide benefits at least equal to that which was provided by the GHI M1 Dental Plan, including prosthetic, orthodontic and dependent to age 23 benefits. If the Town should determine to self-insure for dental coverage, it reserves the right to change the plan administrator, at any time, as long as the benefits are substantially the same. The Town further reserves the right to stop any self-insured dental plan and to provide the coverage herein through a traditional insurance company. The benefits available under a self-insured dental plan, if any, shall be as outlined in a separate memorandum of agreement between the parties.

(h) The Town shall also provide, without cost to the employee, optical insurance known as Blue Shield, BCS Option 2.

(i) The Town shall have the right to eliminate duplicate coverage. Upon request, an employee shall sign a statement as to whether he has or will procure health insurance coverage through the employment of a spouse, other employment of the employee or through a private insurance plan.

(j) Employees hired on or after January 1, 1989 shall pay, through weekly payroll deductions, a portion of their health insurance premium as follows:

For the first year of employment.....25%

For the second year of employment....10%

For the third year of employment and thereafter..... 0%

(k) If, during the duration of this Agreement, the monthly premium rates for the coverages provided increases by more than 25% per year from the rates in effect on December 31, 1989 or any December 31 thereafter, the payment of the premium over the 25% will be negotiated by the parties hereto to determine what share, if any, the employees shall pay.

ARTICLE 15

WAGES

SECTION 15.01 - WAGE SCHEDULE

(a) The wage schedule for all employees by this Agreement shall be set forth in Appendix "A", "B", "C", "D", "E" AND "F" of this Agreement and shall be the only method by which wages and salaries shall be paid.

(b) Employees entitled to a wage or a salary increment shall receive such increment upon their completing the required amount of service from their original date of hire, on the pay day immediately after such anniversary date.

(c) All new employees, whether part-time, seasonal or temporary, shall start at the lowest step of the salary schedule for that job classification.

SECTION 15.02 - LONGEVITY SERVICE PAY

All employees shall, upon their anniversary date, receive the amount in the following schedule. Such amounts shall be cumulative and paid to the employee on the next pay date following such anniversary.

After five (5) years.....\$200.00

After ten (10) years.....\$225.00

After fifteen (15) years.....\$325.00

Effective January 1, 1990, each of the amounts set forth above shall be increased by the sum of twenty-five (\$25.00) and a step "after twenty years shall be added with the amount of four hundred dollars (\$400.00). Effective January 1, 1991, each of the amounts for 1990 shall be increased by twenty five dollars (\$25.00).

SECTION 15.03 - RATES FOR NEW JOBS

Whenever a new position not listed as a job title in this Agreement is established, the Board will furnish the Union with the new job description and will confer and negotiate with the Union the basic salary.

SECTION 15.04 - PAY PERIOD

The wages of all employees covered by this Agreement shall be paid on the same day each week. In the event this day is a holiday, the preceding day shall be pay day.

SECTION 15.05 - SHIFT DIFFERENTIALS

In addition to the established wage rates, there shall be a shift differential as follows:

(a) All employees working the second shift during the following years shall receive the following additional cents per hour:

1989.....\$.25 (twenty-five cents)
1990.....\$.35 (thirty-five cents)
1991.....\$.45 (forty-five cents)

(b) All employees working the third shift during the following years shall receive the following additional cents per hour:

1989.....\$.35 (thirty-five cents)
1990.....\$.55 (fifty-five cents)
1991.....\$.75 (seventy-five cents)

(c) Any employee who is assigned to work as a tree trimmer and his job requires him to work in the aerial truck shall be paid a differential of thirty-five (\$.35) cents per hour for all hours actually worked in the aerial truck.

SECTION 15.06 - VACATION PAY

An employee shall make arrangements at least two (2) weeks in advance if he desires to receive his vacation pay prior to taking his vacation.

ARTICLE 16

REPORTING TIME

SECTION 16.01 - SHOW UP

(a) Any employee who is scheduled to report for work and who presents himself for work shall be assigned work.

(b) If upon reporting for work and being assigned work, an employee is excused before he has completed his regular work shift for the purposes of recalling such employee's work shift, or anytime thereafter, or if such employee's shift is split with an interval of more than four (4) hours before his assigned call back time, then such employee shall be paid time and one-half (1 1/2) his regular rate of pay for all hours worked on such shift reassignment.

SECTION 16.02 -CALL TIME

(a) Any employee called for emergency duty in addition to or outside of his regular scheduled shift shall be paid for a minimum of four (4) hours at the rate of time and one-half (1 1/2).

(b) If the call time work assignment and the employee's regular shift overlap, the employee shall be paid the call time rate of time and one-half (1 1/2) until he completes four (4) hours work.

(c) Supervision shall determine if an employee has worked sufficient hours after his regular shift to be sent home. However, under no circumstances shall an employee be sent home during his regularly scheduled shift without a minimum of four (4) hours pay. Should supervision excuse such an employee before completing his regular work shift for the purpose of recalling such employee to work on another work shift which begins at the end of the employee's regular work shift, or anytime thereafter, or if such employee's

regular work shift is split with an interval of more than four (4) hours before his assigned call back time, then such employee shall be paid time and one-half (1 1/2) his regular rate of pay for all hours worked on such shift reassignment.

SECTION 16.03 - STAND BY TIME

An employee who is required to be available for call and thereby is placed on stand-by upon the Board's request, shall be compensated at the rate of two (2) hours pay for each eight (8) hour period and four (4) hours pay for Saturdays, Sundays and holidays at the employee's straight time rate of pay. If worked, stand-by time plus actual time worked shall be paid. All work performed shall be paid at the rate of time and one-half (1 1/2) the employee's regular rate of pay.

SECTION 16.04 - PREMIUM RATES OF PAY

(a) All employees covered by this Agreement on a Monday through Friday schedule shall be paid time and one-half (1 1/2) their regular rates of pay for all work performed in excess of eight (8) hours in any work day or forty (40) hours in any work week and all work performed on Saturday and Sunday, except to those employees covered by the provisions of Article 5, Section 5.02(b).

(b) Employees who work other than a Monday through Friday schedule shall be paid time and one-half (1 1/2) for all work performed on the sixth (6th) and seventh (7th) day in their regular work week.

(c) All employees who have completed ten (10) years of service and are regularly scheduled to work on Saturday and/or Sunday shall receive an additional twenty-five cents (\$.25) per hour.

Effective January 1, 1990, all employees who have completed five (5) years of service and are regularly scheduled to work on Saturday and/or Sunday shall receive an additional fifty cents (\$.50) per hour.

SECTION 16.05 - OVERTIME DISTRIBUTION

(a) Overtime work during the calendar year shall be distributed as equally as possible among all the employees working within the same job classification in their department. The distribution of overtime shall be equalized as much as reasonably possible over each one (1) month period beginning on the first day of the calendar month following the effective date of this Agreement.

(b) On each occasion when overtime is necessitated, the opportunity to work such overtime shall be offered to the employee within the job classification who has the least number of overtime hours to his credit at that time. If the employee does not accept the assignment, the employee with the next fewest number of overtime hours to his credit will be offered the assignment. This procedure shall be followed until the required employees have been selected for overtime work. If an employee refused overtime when asked, he shall be credited with the number of hours actually worked followed

by the notation "R" or the word "Refused", provided that he is not on vacation, sick leave or any other excusable leave. Employees coming into a department by virtue of transfer, bid or new position shall be placed at the end of the overtime list and credited with the maximum number of overtime hours worked by the Department.

(c) A record of the overtime hours worked by such employee shall be posted on the appropriate departmental bulletin boards every one (1) month.

(d) No temporary, seasonal, part-time or supervisory employee shall be assigned to bargaining unit work in a situation which would normally be considered overtime, except if no regular employee accepts such an assignment. This shall not apply to a part-time employee who normally works the hours in question.

SECTION 16.06 - WORK AT EMPLOYEES OPTION

Overtime work shall be voluntary except under emergency circumstances. There shall be no discrimination against any employee who declines to work overtime.

SECTION 16.07 - OVERTIME GRIEVANCES

An employee shall not receive overtime pay unless he has actually worked the overtime hours involved. In the event a grievance is filed where the remedy sought is payment for overtime hours worked by another employee, an arbitrator shall have available to him any remedy except the remedy of directly compensating the grievant for the overtime hours involved. This subsection shall not apply to those situations as set forth in Section 16.02 (a) (b) or Section 16.03. In the event a second or subsequent, identical or similar situation should occur in a department, the limitations set forth above in this section shall not be applicable.

ARTICLE 17

SENIORITY

SECTION 17.01 - DEFINITION

Seniority means an employee's length of continuous service with the Town since his last date of hire.

SECTION 17.02 - PROBATIONARY EMPLOYEES

(a) All new employees hired shall be considered as

probationary employees for the first ninety (90) days of their employment. When an employee completes his probationary period, he shall be placed on the seniority list. There shall be no seniority among probationary employees. During his probationary period, the employee shall only be entitled to bereavement leave and jury leave duty as outlined in this Agreement. Upon completion of his probationary period, the employee shall be entitled to all benefits afforded to all regular full time employees.

(b) The Union shall represent probationary employees for the purpose of collective negotiations in respect to wages, hours and other conditions of employment as set forth under Article 1 of this Agreement, except for discharge and discipline for other than Union activity.

SECTION 17.03 - SENIORITY LISTS

Every six (6) months, the Town shall post on all departmental bulletin boards, a seniority list showing the continuous service of each employee and his classification. A copy of the seniority list shall be furnished to the local Union secretary when it is posted.

SECTION 17.04 - BREAKS IN SERVICE

An employee's continuous service record shall be broken by voluntary resignation, discharge for just cause, and retirement, except if an employee returns to work in any capacity within one (1) year, the break in continuous service

shall be removed from his record, with the exception of discharge for cause. An employee's continuous service record shall also be broken and the employee shall not receive seniority credit for any periods of time of suspension without pay for more than thirty (30) calendar days, or leave of absence without pay for thirty (30) calendar days or more.

ARTICLE 18

WORK FORCE CHANGES

SECTION 18.01 - PROMOTIONS

(a) The term "promotion" as used in this Section means the permanent advancement of an employee to a higher paying position or the permanent assignment of an employee to a higher paying position.

(b) Whenever a job opening occurs in other than a temporary opening (see Section 18.02), in any job classification or title set forth in the appendices hereto, or as a result of the establishment of a new job classification or title, a notice of such shall be posted on all bulletin boards stating the job classification title, the rate of pay and the nature of the job requirements in order to qualify. Such postings shall be for a period of ten (10) work days. The posting requirements of this subsection shall not apply to non-bargaining unit job classifications, titles or jobs.

(c) During the posting period, employees who wish to apply for the job opening may do so by submitting an application, in writing, to the Department Head. The applicant may also submit a resume setting forth any previous experience and/or training relating to the position applied for. Copies of the applications and resumes shall also be sent by the employee to the Union President. The bid application and uniform posting as set forth in Appendix G and H shall be standard.

(d) The Town shall fill such job openings or vacancies from among those applicants within the department who meet the standards of the job requirements. In the event there is more than one (1) qualified applicant from the Department, the Town shall then select, from among those qualified, the employee with the greater seniority. Such appointment shall be made at the next regularly scheduled Board meeting or if the appointing authority is not the Town Board, then such appointment shall be made within fifteen (15) calendar days of the last day of posting.

(e) In the event no employee within the Department is awarded the job, the vacancy shall be filled in the following order:

(1) The individual with the highest seniority from among the qualified applicants from other Town departments;

(2) Any seasonal, temporary or part-time employee who has applied and is qualified;

(3) Applicants not then currently employed by the Town.

(f) In the event a job posting is withdrawn, for any reason, a notice of such withdrawal shall be posted for at least five (5) work days.

(g) Employees on vacation, sick leave, maternity leave or military leave shall be permitted to submit a completed bid application for consideration for any job opening which may occur during the period of his absence. If such employee is awarded such position and does not desire such, he shall advise the Department Head within five (5) working days of his return to work. In such event, it shall not be necessary to re-post such job vacancy and such shall be filled in accordance with the provisions of (d) and (e) above.

(h) An employee must be working in a department for at least six (6) months before he can bid on a promotional opportunity in that department.

(i) An existing bargaining unit employee selected in accordance with the provisions of this Section shall have a trial period of not less than thirty (30) days nor more than sixty (60) days. If the Town shall determine during the trial period that the employee does not meet the requirements or responsibilities of the position, he shall be restored to his former position, if any. During such trial period, the employee's former position, if any, may be filled by assignment, pursuant to Section 18.02.

SECTION 18.02 - TEMPORARY JOB OPENINGS AND VACANCIES

(a) Temporary job openings or vacancies are jobs that periodically develop or vacancies that periodically develop in any classification because of illness, vacation, leave of absence, or the incumbent thereof being appointed to another position on a provisional basis.

(b) Whenever such temporary openings or vacancies occur, they may be filled by the Department Head by assignment. Such assignment shall be on the basis of qualifications and in the event of there being more than one (1) qualified employee, on the basis of seniority. Temporary openings or vacancies known to be for more than thirty (30) days will be posted in accordance with Section 19.01. In such event, and if the need is immediate, such temporary opening or vacancy may be filled by assignment, pending the posting procedure. An employee assigned to or selected to fill such temporary vacancy shall be returned to his former position upon completion of the temporary assignment.

(c) No employee shall be assigned to a temporary job opening for more than thirty (30) days in any calendar year, except as provided in Section 18.01(i), unless specifically requested by such employee or agreed to by the Union and the Department Head. The intent of this provision is to prevent the repeated assignment of employees to job openings which have been designated as temporary, when such openings could be filled in another manner.

(d) An employee assigned to a temporary job opening or filling a vacancy shall be paid the wage rate established for that job, or his own wage rate, whichever is higher.

(e) A temporary employee, hired pursuant to Article 26 herein, shall not be entitled to receive any of the benefits of this Agreement.

(f) If a regular, full-time employee is assigned or appointed to a temporary job opening or vacancy pursuant to this Article, he shall continue to receive the benefits of this Agreement.

(g) (1) In the event a temporary job opening or vacancy is filled by a seasonal or temporary employee, or a new hire, and such temporary job opening or vacancy is the result of the incumbent thereof being appointed to another position, on a provisional basis, such person shall have the same benefits provided to probationary employees in Section 17.02 herein.

(2) If such temporary job opening or vacancy is the result of other reasons and if filled by a seasonal or temporary employee, or a new hire, such person shall not be entitled to the benefits of this Agreement.

(h) New employees hired into bargaining unit positions as a result, direct or indirect, of a temporary job opening or vacancy shall receive the starting wage rate for such position, regardless of duration, and no other fringe benefits of this Agreement.

(i) If a permanent employee fills a temporary job opening or vacancy as noted in (g -1) above, the employee shall have departmental preference for any lateral openings after ninety (90) days and promotional vacancies after six (6) months, pursuant to 18.01(h).

SECTION 18.03 - COMPETITIVE CIVIL SERVICE JOBS

The Civil Service Law of New York and the Rules and Regulations of the State Civil Service commission shall govern the selection of employees for positions in the competitive class of Civil Service, except that in the absence of an appropriate Civil Service List, meaning a list from which selections must be made, the procedure set forth in Section 18.01 of this Article shall prevail. selections from promotional lists shall be made until the list of names is exhausted before any consideration may be given to the names appearing on any other list that may be in effect.

SECTION 18.04 - LAY OFF

(a) The word "layoff" means a reduction in work force. If the Board anticipates a lay off, it shall notify the employees and the Union fifteen (15) days prior to such anticipated layoff.

(b) Competitive class employees layoff procedure shall be determined by Section 80, 81 and 85 of the Civil Service Law. The non-competitive and labor class employees shall be governed by the remainder of this section. Temporary,

seasonal and probationary employees shall be laid off first. Should it be necessary to further reduce the work force, then the non-competitive and labor class employees shall be laid off the inverse order of seniority.

(c) When an employee is laid off due to a reduction in the work force, he shall be permitted to exercise his seniority rights to bump (replace an employee with less seniority) any employee in the same job classification or a lower classification.

(d) Notwithstanding anything contained herein, in the event of a layoff, the president, vice-president, secretary, treasurer and all shop stewards, including all Executive Members, not to exceed five (5) shall be the last persons to be laid off in the bargaining unit.

SECTION 18.05 - RECALL

When the work force is increased after a layoff, employees will be recalled according to the order of seniority, as defined elsewhere in the Agreement, based on job classification. Notice of recall shall be sent to the employee at his last known address by registered mail. If an employee fails to report for work on the tenth (10th) day from the date of mailing of the notice of recall, he shall be considered a "quit". Recall rights for an employee who has not been recalled after a layoff shall expire three (3) years from the date of the layoff.

SECTION 18.06 - CONSOLIDATION OR ELIMINATION OF JOBS

(a) Any employee displaced by the elimination of jobs through consolidation, the installment of new equipment or machinery, the curtailment or replacement of existing facilities, or for any other reason, shall be permitted to exercise his seniority rights to transfer to any other department in the service of the Town within the same classification, or to a lower classification. A lower classification shall mean a position the qualifications for which are included within the qualifications of the higher classification.

(b) Any employee requesting such transfer because of the elimination of his job shall be transferred as provided for in paragraph (a) above, on the basis of seniority and such request shall take precedence over any other requests for transfer.

ARTICLE 19

DISCIPLINE AND DISCHARGE

(a) The procedure for taking disciplinary action against any employee covered by this Agreement shall be as set forth herein, except employees covered by Section 75 and 76 of the Civil Service Law, shall have the option of resorting to the procedures therein in lieu of the procedures of this Article.

(b) Disciplinary action may be imposed upon an employee only for failing to fulfill his responsibilities as a Town of Cheektowaga employee.

(c) Disciplinary action shall include: oral reprimand, written reprimand, suspension without pay, demotion, discharge.

(d) In the event of a serious violation, the employee involved may be suspended, without pay, immediately by the Department head. In such event, the Step 2 meeting of the Labor/Management Committee will be convened within two (2) work days of the suspension.

(e) If a Department Head, foreman or working foreman has reason to reprimand an employee, it shall be done privately, except for the presence of a Union Representative and Representative of the Town Board and in a manner that will not embarrass the employee before other employees or the public.

(f) If disciplinary action is to be taken against an employee, other than oral or written reprimand, notification of such shall be given the employee, the Union President and the Union Steward in writing. Such notice shall state the reason for the disciplinary action and the penalty proposed.

(g) Disciplinary action other than an oral reprimand shall be processed at Step 2 of the grievance procedure of this Agreement and shall be subject to the arbitration provisions of the procedure, however a written or oral reprimand may be processed only through Step 2 of the grievance procedure.

ARTICLE 20

SETTLEMENT OF DISPUTES

SECTION 20.01 - GRIEVANCE AND ARBITRATION PROCEDURE

Any grievance or dispute which may arise between the parties, including the application, meaning or interpretation of this Agreement, shall be settled in the following manner.

Step 1: The Union Steward or other authorized representative of the Union, with or without the employee, shall present the grievance or dispute in writing to the Department Head or his designee within ten (10) work days of its occurrence. The Department Head or his designee shall respond in writing within five (5) work days to the Union Steward or other authorized representative of the Union.

Step 2: If the grievance is still not settled, it shall be presented in writing by the Union President and/or authorized representative of the Union to the Coordinator of Employee Relations within seven (7) work days after the response of the Department Head is due. A copy shall be served simultaneously on the Labor/Management Committee of the Town Board. The Coordinator of Employee Relations shall discuss the grievance with the Association Grievance Committee within ten (10) working days from the receipt of the grievance and shall respond, in writing, within five (5) working days of such meeting.

Step 3: If the grievance or dispute is still

unsettled, either party may, within twenty (20) days after the reply of the Coordinator of Employee Relations is due, by written notice to the other, request arbitration.

(a) The arbitration proceeding shall be conducted by an arbitrator from the following list: James Attleson, Howard Foster, Jacob Hyman, Stuart Pohl, Miriam Winoker. Cases shall be assigned on a rotating basis. If an arbitrator refuses a case, the next named person on the list shall be appointed. If an arbitrator refuses to or cannot serve on the panel, the parties shall agree upon a replacement. If either party wishes to change the list or to eliminate it and follow the procedures of the Public Employment Relations Board of New York, at the expiration of this Agreement, that party shall give the other notice of such, at least thirty (30) days prior to the expiration of this Agreement.

(b) The arbitrator shall be requested to issue his decisions within thirty (30) days after the conclusion of testimony and argument. The decision of the arbitrator shall be final and binding on both parties.

(c) Expenses for the arbitrator's services and proceedings shall be borne equally by the Board and the Union. If either party desires a transcribed copy of the proceedings, it shall pay for the transcription and make copies available, without charge, to the other party and arbitrator.

(d) No arbitrator shall have the power to amend, modify or delete any provisions of this Agreement.

(e) Upon the mutual agreement of both parties, an arbitrator may be requested to hear and make determination on more than one (1) case, even though the cases are not related in any way.

SECTION 20.02 - TIME LIMITATIONS

Time limitations in the grievance procedure may be extended and steps may be by-passed by mutual agreement, in writing.

SECTION 20.03 -

Any grievance meeting held pursuant to this Article during an employee's working hours with the Town shall be without loss of wages for the employees present at such meeting.

SECTION 20.04 -

In the event of a grievance applies to more than one (1) department, it may be submitted directly to Step 2 of the grievance procedure. Time limits for filing such a grievance shall be the same as noted in Step 1.

ARTICLE 21

UNION COMMITTEES

SECTION 21.01 - GRIEVANCE COMMITTEE

(a) Employees selected by the Union to act as Union Representatives shall be known as "stewards". The names of

the representatives who may represent employees shall be certified, in writing, to the Board by the local union, and the individuals so certified shall constitute the Union Grievance Committee.

(b) The Union shall be permitted to appoint one (1) chief steward and, in addition, one (1) steward for each department location, except for Highway and Sanitation there shall be two (2) stewards and two (2) alternates.

(c) The Union Stewards may investigate and process grievances during working hours, without loss of time or pay, provided that the Steward(s) Department Head or foreman is notified in advance and the absence of the Steward(s) does not substantially interfere with the productivity of the department.

SECTION 21.02 - SAFETY COMMITTEE

(a) The Town and Union agree jointly to establish a Safety Committee consisting of an equal number of Board and Union representatives, the number of members to be agreed upon. This Committee will advise management on all safety problems.

(b) The Town and Union agree jointly to maintain, operate and support the Town Loss Control and Safety Program and Rules, a copy of which is incorporated by reference herein.

(c) The Board and Union agree to hold Safety Committee meetings at least once per month.

SECTION 21.03 - LABOR/MANAGEMENT COMMITTEE

Conferences between at least two (2) Board members and at least two (2) representatives of the Union on important matters, which may include the discussion of procedures for avoiding future grievances and other methods of improving the relationship between the parties, will be arranged between the parties upon request of either party. Arrangements for such meetings shall be made in advance and shall be held at reasonable hours as mutually agreed upon by the parties. Employees acting on behalf of the Union shall suffer no loss of time or pay should meetings fall within their regular work hours.

The Board and Union agree to hold meetings of the Labor/Management Committee at least once per month.

SECTION 21.04 - NEGOTIATION COMMITTEE

Employees selected by the Union, not exceeding (5) in number to act in its behalf during the period of negotiation of a labor contract shall suffer no loss of time or pay for such time spent during their regular work hours.

SECTION 21.05 - RECLASSIFICATION COMMITTEE

The parties agree that a committee composed of the Board's representative and the representative of the Union shall be established one hundred twenty (120) days after the execution of the agreement to study and explore possible job re-classification, with view to rectify existing inequities, if any.

SECTION 21.06 - RENEWAL OF AGREEMENT

The Board and the Union agree to begin negotiations concerning a successor or amended contract no later than June 15th of the final year of the contract. Any contract proposals to amend the current contract shall be reduced to writing by the Town Board and the Union and shall be exchanged no later than July 1st.

In any negotiations described in this contract, each party shall have the right to select its own consultants and representatives from within or without the Town. It is recognized that no final agreement between the parties shall be effected without ratification by the Town Board and by the members of the Union.

ARTICLE 22

STRIKES AND LOCKOUTS

SECTION 22.01 - LOCKOUTS

No lockout of employees shall be instituted by the Board during the terms of this Agreement.

SECTION 22.02 - STRIKES

No strikes of any kind shall be caused or sanctioned by the Union during the term of this Agreement.

ARTICLE 23

CONTRACTING/SUB-CONTRACTING OF PUBLIC WORK

During the term of this Agreement, the Board shall not contract or sub-contract any public work performed by employees covered by this Agreement. In the event that the Town Board desires to contract or sub-contract any such work or service, it shall give the Union written notice of its intent to contract or sub-contract and discuss with the Union its decision to contract or sub-contract and the effects on the employees of the decision.

ARTICLE 24

GENERAL PROVISIONS

SECTION 24.01 - PLEDGE AGAINST DISCRIMINATION AND COERCION

(a) The provisions of this Agreement shall be applied equally to all employees in the bargaining unit without discrimination as to age, sex, marital status, race, color, creed, national origin or political affiliation. The Union shall share equally with the Board the responsibility for applying this provision of this Agreement.

(b) All reference to employees in this Agreement designate both sexes, and wherever the male gender is used, it shall be construed to include both male and female employees.

(c) The Board agrees not to interfere with the rights of employees to become members of the Union, and there shall be no discrimination, interference, restraint or coercion by the Board or any Board representative against any employee because of Union activity in an official capacity on behalf of the Union as set forth in Section 25.02 below.

(d) The union recognizes its responsibility as the sole and exclusive representative of the negotiating unit and agrees to represent all employees in the negotiating unit.

SECTION 24.02 - UNION ACTIVITIES ON EMPLOYER'S TIME AND PREMISES

(a) The Town agrees that during working hours and on the Town's premises, and without loss of time or pay, Union stewards and officers shall be allowed to perform the following, providing that same does not interfere unreasonably with performance of work:

post Union notices;

distribute Union literature;

solicit Union membership during other employee's

non-working time;

transmit communications authorized by the local union or its officers to the Town or its representative;

consult with the Town, its representatives, local Union officers or other Union representative concerning the enforcement of any provision of this Agreement;

attendance at Safety Committee meetings;

instruction of loss control and safety;

each Union representative shall sign in and sign out of the department when absent from his duties on Union Safety Committee business and provide a telephone number where he may be contacted, if possible.

(b) The Town agrees to provide a file cabinet on Town premises solely for Union use and access.

(c) The Town agrees to allow the Union to place one (1) trailer/mobile home, measuring twelve (12) feet by seventy (70) feet, on Town property near the Incinerator Building, without cost, for use by the Union. The Town also agrees to pay utility service for gas, electricity and telephone service (local calls only) for the trailer used by the Union.

SECTION 24.03 - WORK RULES

(a) The Town agrees to discuss changes in existing work rules or the establishment of new work rules with the Union.

(b) In the event an agreement cannot be reached between the parties, then the Town may implement such work rule changes, however, the Union retains the right to utilize the grievance arbitration provision of this Agreement to restore the work rule to the status quo for good cause shown.

(c) When existing rules are changed or new rules are established, they shall be posted prominently on all Union bulletin boards for a period of ten (10) work days before becoming effective, unless said work rules affect a particular department only, in which event the change or new rule shall be posted only in the affected department(s). A copy of any changed or new work rule shall be forwarded to the Union President.

(d) The Town further agrees to furnish each employee in the negotiating unit with a copy of all existing work rules within thirty (30) days after they become effective. New employees shall be provided with a copy of the rules at the time of hire.

(e) Employees shall comply with all existing rules that are not in conflict with the terms of this Agreement, provided the rules are uniformly applied and uniformly enforced.

(f) Any complaint as to the reasonableness of any new or existing rule, or any complaint involving discrimination in the application of new or existing work rules shall be resolved through the grievance procedure.

SECTION 24.04 - WORK CLOTHING, PROTECTIVE CLOTHING

(a) Employees in the following departments: Highway, Facilities, Sanitation, Sewer Maintenance, Recreation and Main Pump, whose duties as listed in the job descriptions require such, shall be provided three (3) uniforms per year, gloves and rainwear. Protective clothing, including gloves and rainwear, shall be replaced by the Town when necessary, subject to normal wear and tear.

(b) Upon the issuance of rainwear, the employee will be responsible for such and if replacement is necessary as a result of the negligence of the employee, a fair and reasonable charge shall be made against the employee.

(c) Employees included within the provisions of Section 24.04 (a) shall also receive an allowance of up to \$75.00 per employee, per year for safety shoes. The Town will make available to these employees alternative styles, etc. of such shoes. Each employee shall pick the style, etc., desired. If the cost of the safety shoe picked exceeds the \$75.00 allowance, the employee shall pay such additional cost.

(d) Employees receiving any of the items of clothing or shoes, as set forth in this Section, shall wear such uniforms, gloves, safety shoes and rainwear at all times on the job.

(e) Employees in the bargaining unit who do not receive the work or protective clothing as set forth in Section

24.04(a) shall receive a \$50.00 stipend in January, 1989, which amount shall increase by the sum of five dollars (\$5.00) per year in each succeeding year of this Agreement

SECTION 24.05 - PERSONNEL POLICY

Five hundred (500) copies of this Agreement shall be provided by the Town for distribution by the local Union President. Copies of the Agreement will be provided by the Town no later than sixty (60) days after mutual ratification.

SECTION 24.06 - PERSONAL AUTOMOBILE REIMBURSEMENT

Employees who are obligated to use their personal automobile on Town business shall be reimbursed at the rate of twenty-four (\$.24) cents per mile.

SECTION 24.07 - VENDING MACHINE INCOME

Monies made from vending machines in the employee's work locations shall be contributed to the Union's Health and Welfare Fund. This money cannot be used for grievance or arbitration activities.

SECTION 24.08 - TUITION REIMBURSEMENT

The Town will pay twenty-five (25%) percent of the tuition for employees taking job related courses that directly relate to improving the skills of the employee on the job. Employees must receive prior approval from the Department Head and the Town Board and successfully complete said course with a "B" or better.

SECTION 24.09 - TOOL ALLOWANCE

All employees required to have tools in the mechanical garages shall be paid an annual sum as follows:

1989.....\$125.00

1990.....\$175.00

19991.....\$225.00

Tool allowance will be payable in December of each year. Employees must have worked six (6) months with the Town during the calendar year to be eligible.

SECTION 24.10 - RESIDENCY REQUIREMENT

Providing the employee maintains equal assessment on the tax rolls in Cheektowaga, he may reside outside the Town after twenty (20) years of service.

SECTION 24.11 - RECYCLING INCENTIVE

Sanitation Department drivers, laborers and one (1) clerical employee shall receive their pro-rata share of fifty (50%) percent of gross revenue received by the Town for the Town Paper and Cardboard Recycling Program. Such incentive shall be paid by December 15th of each year. Should the Recycling Program be expanded to items other than paper and cardboard, or if the recycling of paper or cardboard becomes mandatory, then the parties agree to negotiate over the issues of the division of revenue generated and how much should be deposited into the Union's Health and Welfare Fund.

SECTION 24.12 -

Within sixty (60) days after execution hereof, a committee shall be established consisting of an equal number of members appointed by the President of the Association and the Town Supervisor, of no more than six (6) persons to explore and draft an Employee's Assistance Program to assist employees experiencing personal problems having an impact upon their on-the-job performance. It is understood that the Unions representing other Town employees may also have representation on this committee. The committee shall make a final report and recommendations to the Town Supervisor within six (6) months from its establishment.

ARTICLE 25

TEMPORARY AND SEASONAL WORKERS

SECTION 25.01 - TEMPORARY EMPLOYEES

A temporary employee is defined as an employee who is hired to fill a position which cannot be filled through the regular temporary vacancy procedure, but such employment shall be made for a period not to exceed eighteen (18) consecutive weeks in a calendar year. Temporary employees shall not be entitled to any benefits provided by this Agreement.

SECTION 25.02 - SEASONAL EMPLOYEES

A seasonal employee is defined as an employee who is

hired on a seasonal basis to supplement the regular work force during peak periods in the summer and the winter, but such employment shall be for a period not to exceed twenty-four (24) consecutive weeks in a calendar year. Seasonal employees shall not be entitled to any benefits provided by this Agreement.

ARTICLE 26

DISABLED EMPLOYEES

The Board shall make every effort to place an employee who becomes partially disabled on his present job on work which he is able to perform.

ARTICLE 27

SAVINGS CLAUSE

Should any article, section or other portion thereof of this Agreement be declared unlawful or unenforceable by any court or competent jurisdiction, such decision of the court shall apply only to the specific article, section or portion thereof directly specified in the decision.

APPENDIX "A"
TOWN OF CHEEKTOWAGA, NEW YORK
WAGE SCHEDULE -1989- BLUE COLLAR
January 1, 1989 to December 31, 1989

<u>CLASSIFICATION</u>	(1) <u>START</u>	(2) <u>12 MO.</u>	(3) <u>18 MO.</u>	(4) <u>2 YRS.</u>
Cleaner	\$ 8.618	\$ 8.933	\$ 9.272	\$ 9.535
Laborer	9.749	10.202	10.619	11.037
Dog Control Officer	10.220	10.637	11.069	11.437
MEO "B"	10.303	10.705	11.121	11.486
Auto Mechanic Helper	10.303	10.705	11.121	11.486
General Mechanic	10.303	10.705	11.121	11.486
Utility Man	10.303	10.705	11.121	11.486
Sewer Maintenance Man	10.303	10.705	11.121	11.486
Maintenance Man	10.503	10.921	11.371	11.772
Tree Trimmer	10.503	10.921	11.371	11.772
Pump Operator	10.503	10.921	11.371	11.772
Sewage Treatment Plant Operator	10.503	10.921	11.371	11.772
Building Maintenance Man	11.203	11.621	12.038	12.406
Equipment Maintenance Man (Welder)	11.203	11.621	12.038	12.406
Auto Mechanic	11.203	11.621	12.038	12.406
Groundswoker	11.203	11.621	12.038	12.406
Auto Body Repair	11.203	11.621	12.038	12.406

APPENDIX "A"
 TOWN OF CHEEKTOWAGA, NEW YORK
 WAGE SCHEDULE -1989- BLUE COLLAR
 January 1, 1989 to December 31, 1989

(con't)

<u>CLASSIFICATION</u>	(1) <u>START</u>	(2) <u>12 MO.</u>	(3) <u>18 MO.</u>	(4) <u>2 YRS.</u>
MEO "A"	\$11.203	\$11.621	\$12.038	\$12.406
SENIOR SEWAGE TREATMENT PLANT OPERATOR	11.596	12.014	12.415	12.800
SENIOR MAINTENANCE MAN	13.273	13.540	13.807	14.074
PLUMBER	13.273	13.540	13.807	14.074
ELECTRICIAN	13.273	13.540	13.807	14.074

APPENDIX "B"
TOWN OF CHEEKTOWAGA, NEW YORK
WAGE SCHEDULE -1990- BLUE COLLAR
January 1, 1990 to December 31, 1990

<u>CLASSIFICATION</u>	(1) <u>START</u>	(2) <u>12 MO.</u>	(3) <u>18 MO.</u>	(4) <u>2 YRS.</u>
Cleaner	\$ 9.027	\$ 9.357	\$ 9.712	\$10.187
Laborer	10.212	10.686	11.123	11.761
Dog Control Officer	10.705	11.142	11.594	11.980
MEO "B"	10.792	11.213	11.649	12.031
Auto Mechanic Helper	10.792	11.213	11.649	12.031
General Mechanic	10.792	11.213	11.649	12.031
Utility Man	10.792	11.213	11.649	12.031
Sewer Maintenance Man	11.001	11.439	11.911	12.331
Maintenance Man	11.001	11.439	11.911	12.331
Tree Trimmer	11.001	11.439	11.911	12.331
Pump Operator	11.001	11.439	11.911	12.331
Sewage Treatment Plant Operator	11.735	12.172	12.609	12.995
Equipment Maintenance Man (Welder)	11.735	12.172	12.609	12.995
Groundswoker	11.735	12.172	12.609	12.995
Auto Body Repair	11.735	12.172	12.609	12.995
MEO "A"	11.735	12.172	12.609	12.995
Building Maintenance Man	11.735	12.172	12.609	13.195

APPENDIX "B"
TOWN OF CHEEKTOWAGA, NEW YORK
WAGE SCHEDULE -1990- BLUE COLLAR
January 1, 1990 to December 31, 1990

(con't)

<u>CLASSIFICATION</u>	(1) <u>START</u>	(2) <u>12 MO.</u>	(3) <u>18 MO.</u>	(4) <u>2 YRS.</u>
Auto Mechanic	\$11.735	\$12.172	\$12.609	\$13.195
SENIOR SEWAGE TREATMENT PLANT OPERATOR	12.146	12.584	13.004	14.038
SENIOR MAINTENANCE MAN	13.903	14.183	14.462	14.742
PLUMBER	13.903	14.183	14.462	14.742
ELECTRICIAN	13.903	14.183	14.462	14.742

APPENDIX "C"
TOWN OF CHEEKTOWAGA, NEW YORK
WAGE SCHEDULE -1991- BLUE COLLAR
January 1, 1991 to December 31, 1991

<u>CLASSIFICATION</u>	(1) <u>START</u>	(2) <u>12 MO.</u>	(3) <u>18 MO.</u>	(4) <u>2 YRS.</u>
Cleaner	\$ 9.478	\$ 9.824	\$10.197	\$10.696
Laborer	10.772	11.220	11.679	12.349
Dog Control Officer	11.240	11.699	12.173	12.579
MEO "B"	11.331	11.773	12.231	12.632
Auto Mechanic Helper	11.331	11.773	12.231	12.632
General Mechanic	11.331	11.773	12.231	12.632
Utility Man	11.331	11.773	12.231	12.632
Sewer Maintenance Man	11.551	12.010	12.506	12.947
Maintenance Man	11.551	12.010	12.506	12.947
Tree Trimmer	11.551	12.010	12.506	12.947
Pump Operator	11.551	12.010	12.506	12.947
Sewage Treatment Plant Operator	12.321	12.780	13.239	13.644
Equipment Maintenance Man (Welder)	12.321	12.780	13.239	13.644
Groundswoker	12.321	12.780	13.239	13.644
Auto Body Repair	12.321	12.780	13.239	13.644
MEO "A"	12.321	12.780	13.239	13.644
Building Maintenance Man	12.321	12.780	13.239	13.860

APPENDIX "C"
TOWN OF CHEEKTOWAGA, NEW YORK
WAGE SCHEDULE -1991- BLUE COLLAR
January 1, 1991 to December 31, 1991

(con't)

<u>CLASSIFICATION</u>	(1) <u>START</u>	(2) <u>12 MO.</u>	(3) <u>18 MO.</u>	(4) <u>2 YRS.</u>
Auto Mechanic	\$12.321	\$12.780	\$13.239	\$13.860
SENIOR SEWAGE TREATMENT PLANT OPERATOR	12.753	13.213	13.654	14.739
SENIOR MAINTENANCE MAN	14.598	14.890	15.180	15.479
PLUMBER	14.598	14.890	15.180	15.479
ELECTRICIAN	14.598	14.890	15.180	15.479

APPENDIX 'D'
TOWN OF CHEEKTOWAGA, NEW YORK WAGE SCHEDULE, - 1989 WHITE COLLAR
January 1, 1989 to December 31, 1989

<u>CLASSIFICATION</u>	<u>START</u>	<u>12MO.</u>	<u>18MO.</u>	<u>2 YRS.</u>
Clerk Recreation Attendant	\$17,306.10(8.288)	\$18,031.15(8.635)	\$18,756.26(8.982)	\$19,380.46(9.281)
Clerk Typist	17,716.84(8.485)	18,455.22(8.838)	19,193.59(9.192)	19,830.31(9.497)
Telephone Operator Graphic Artist	18,024.99(8.632)	18,780.61(8.994)	19,509.89(9.343)	20,182.83(9.666)
Clerk Stenographer	18,692.65(8.952)	19,435.06(9.307)	20,182.58(9.665)	20,850.50(9.985)
Employment Counselor	18,693.90(8.953)	19,541.83(9.359)	20,389.79(9.765)	21,077.92(10.095)
Recreation Supervisor Recreation Instructor Outreach Worker	19,603.57(9.388)	20,283.69(9.714)	21,034.83(10.074)	21,785.95(10.433)
Legal Stenographer	20,135.35(9.643)	20,878.30(9.999)	21,621.23(10.354)	22,259.98(10.660)
Account Clerk Senior Clerk Senior Clerk Typist	20,516.26(9.825)	21,257.69(10.180)	22,047.17(10.558)	22,641.95(10.843)
Senior Account Clerk Typist Payroll Clerk	21,416.05(10.256)	22,157.49(10.611)	22,901.29(10.968)	23,539.70(11.273)
Assistant Accountant	23,673.03(11.337)	24,414.45(11.692)	25,157.96(12.048)	25,798.73(12.355)
Engineering Aide	22,836.55(10.937)	23,578.00(11.292)	24,321.78(11.648)	24,971.15(11.959)
Assistant Building Inspector Housing Inspector Assistant Plumbing Inspector Real Property Technician Assistant Field Assessor Fire Inspector	24,985.39(11.970)	25,864.46(12.390)	26,743.54(12.808)	27,682.62(13.258)
Senior Engineering Assistant Building Inspector	27,417.18(13.130)	28,355.77(13.580)	29,177.29(13.974)	29,953.66(14.345)
Principal Engineering Assistant	29,146.51(13.959)	30,021.96(14.378)	30,904.61(14.801)	31,683.01(15.173)
Junior Engineer	31,172.34(14.929)	32,245.89(15.443)	33,185.50(15.893)	34,075.00(16.319)

APPENDIX "E"
TOWN OF CHEEKTOWAGA, NEW YORK WAGE SCHEDULE - 1990 WHITE COLLAR
January 1, 1990 to December 31, 1990

<u>CLASSIFICATION</u>	<u>START</u>	<u>12MO.</u>	<u>18MO.</u>	<u>2YRS.</u>
Clerk	\$18,128.14(8.682)	\$18,887.63(9.045)	\$19,647.18(9.409)	\$20,819.45(9.971)
Recreation Attendant	18,128.14(8.682)	18,887.63(9.045)	19,647.18(9.409)	21,028.25(10.071)
Clerk Typist	18,558.39(8.888)	19,331.84(9.258)	20,105.28(9.628)	21,084.85(10.098)
Telephone Operator Graphic Artist	18,881.18(9.042)	19,672.69(9.421)	20,436.61(9.787)	21,141.51(10.125)
Clerk Stenographer Employment Counselor	19,580.55(9.377)	20,358.22(9.750)	21,141.25(10.125)	22,047.79(10.559)
Recreation Instructor	20,534.74(9.834)	21,247.16(10.175)	22,033.98(10.552)	22,820.78(10.929)
Outreach Worker	20,534.74(9.834)	21,247.16(10.175)	22,033.98(10.552)	22,820.78(10.929)
Recreation Supervisor	20,534.74(9.834)	21,247.16(10.175)	22,033.98(10.552)	23,716.69(11.358)
Legal Stenographer	21,091.78(10.101)	21,870.02(10.474)	22,648.24(10.846)	23,317.33(11.167)
Account Clerk Senior Clerk	21,490.78(10.292)	22,267.43(10.654)	23,094.41(11.060)	23,717.44(11.359)
Senior Clerk Typist	21,490.78(10.292)	22,267.43(10.664)	23,094.41(11.060)	24,135.19(11.559)
Senior Account Clerk Typist Payroll Clerk	22,433.31(10.743)	23,209.97(11.115)	23,989.10(11.489)	24,657.83(11.809)
Assistant Accountant	24,797.49(11.876)	25,574.14(12.248)	26,352.96(12.621)	27,024.17(12.942)
Engineering Aide	23,921.29(11.456)	24,697.95(11.828)	25,477.06(12.201)	26,157.28(12.527)
Assistant Building Inspector Housing Inspector Assistant Plumbing Inspector Real Property Technician Assistant Field Assessor Fire Inspector	26,172.20(12.530)	27,093.02(12.980)	28,013.86(13.420)	28,997.54(13.890)
Senior Engineering Assistant Building Inspector	28,719.49(13.754)	29,702.67(14.225)	30,563.21(14.637)	31,376.46(15.027)
Principal Engineering Assistant	30,530.97(14.622)	31,448.00(15.061)	32,372.58(15.504)	33,187.95(15.894)
Junior Engineer	32,653.02(15.638)	33,777.57(16.176)	34,761.81(16.648)	35,693.56(17.094)

APPENDIX "F"
TOWN OF CHEEKTOWAGA, NEW YORK WAGE SCHEDULE - 1991 WHITE COLLAR
January 1, 1991 to December 31, 1991

<u>CLASSIFICATION</u>	<u>START</u>	<u>12MO.</u>	<u>18MO.</u>	<u>2YRS.</u>
Clerk	\$19,034.54(9.116)	\$19,832.01(9.498)	\$20,629.54(9.880)	\$21,860.42(10.469)
Recreation Attendant	19,034.54(9.116)	19,832.01(9.498)	20,629.54(9.880)	22,079.66(10.574)
Clerk Typist	19,486.31(9.332)	20,298.43(9.721)	21,110.54(10.110)	22,139.09(10.603)
Telephone Operator Graphic Artist	19,825.24(9.494)	20,656.32(9.892)	21,458.44(10.277)	22,198.58(10.631)
Clerk Stenographer Employment Counselor	20,559.58(9.846)	21,376.13(10.237)	22,198.31(10.631)	23,149.66(11.087)
Recreation Instructor	21,561.47(10.326)	22,309.52(10.684)	23,135.68(11.080)	23,961.82(11.475)
Outreach Worker	21,561.47(10.326)	22,309.52(10.684)	23,135.68(11.080)	23,961.82(11.475)
Recreation Supervisor	21,561.47(10.326)	22,309.52(10.684)	23,135.68(11.080)	24,902.52(11.926)
Legal Stenographer	23,146.37(10.606)	22,963.52(10.997)	23,780.65(11.389)	24,483.19(11.725)
Account Clerk Senior Clerk	22,565.32(10.807)	23,380.80(11.197)	24,249.13(11.613)	24,903.31(11.927)
Senior Clerk Typist	22,565.32(10.807)	23,380.80(11.197)	24,249.13(11.613)	25,341.95(12.136)
Senior Account Clerk Typist Payroll Clerk	23,554.97(11.281)	24,370.47(11.671)	25,188.55(12.063)	25,890.72(12.399)
Assistant Accountant	26,037.36(12.470)	26,852.84(12.860)	27,670.60(13.252)	28,375.39(13.589)
Engineering Aide	25,117.34(12.029)	25,932.85(12.419)	26,750.91(12.811)	27,465.14(13.153)
Assistant Building Inspector Housing Inspector Assistant Plumbing Inspector Real Property Technician Assistant Field Assessor Fire Inspector	27,480.81(13.139)	28,447.67(13.629)	29,414.55(14.090)	30,447.42(14.579)
Senior Engineering Assistant Building Inspector	30,155.46(14.442)	31,187.80(14.936)	32,091.37(15.369)	32,945.28(15.778)
Principal Engineering Assistant	32,057.52(15.353)	33,020.40(15.814)	33,991.21(16.279)	34,847.35(16.689)
Junior Engineer	34,285.68(16.420)	35,466.45(16.985)	36,499.80(17.480)	37,478.24(17.949)

APPENDIX G
UNIFORM POSTING

1. JOB OPENING AND VACANCIES
2. CLASSIFICATION

3. WAGE SCHEDULE

Step 1 - Starting Salary: _____

Step 2 - 12 months: _____

Step 3 - 18 months: _____

Step 4 - 2 years: _____

4. RESPONSIBILITY:
5. SHIFT:
6. GENERAL REMARKS:

No fringe benefits will be paid to all new employees until after the ninety day probationary period is completed.

All other employees in service with the Town will receive all benefits from the first day of promotion or of an inter-departmental transfer.

All applications shall be submitted to the Department Head and a copy of same to the President of the Local Union.

This notice is posted in compliance with the Collective Bargaining Agreement between the Town of Cheektowaga Employees Association and the Town of Cheektowaga, and shall remain posted for ten (10) working days.

7. DATED: _____

Signature of Department Head

8. COPIES: All Departments
Town of Cheektowaga Employees Association

APPENDIX "I"

NEW YORK STATE EMPLOYEES
RETIREMENT SYSTEM

75-1 "20 Year Career Plan"

Since the Town of Cheektowaga is participating employer under New York State Law, certain employees may be entitled to retirement benefits based on age and years of service

Under the 75-1 Plan, Town employees fall into three groups each of which requires different eligibility standards. Each employee is a member in one of the following groups:

- Tier 1 Members: All employees who were hired prior to July 1, 1973.
- Tier 2 Members: All employees who were hired from July 1, 1973 to and including June 30, 1976.
- Tier 3 Members: All employees hired on or after July 1, 1976.
- Tier 4 Members: All employees hired on or after September 1, 1983.

NOTE: If you have been employed by the Town in other than a regular full-time basis (part-time, CETA, etc.) you may not be entitled to retirement benefits under law. Please check with your local Retirement System representative.

The Town's Retirement is administered completely by the New York State Employees Retirement System and is much too complicated to explain here. Please contact the Albany office of the Retirement System at (518) 474-7736 or visit the Buffalo office at the State Office building located on 65 court Street on the first, second, third or fourth Wednesday and Friday of each month. The Retirement representative is there from 9:00 A.M. to 4:00 P.M. on a first-come, first-served basis.

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

If the Town decides to institute a self-insured dental plan, the terms and conditions of such, as agreed to by the parties, shall be outlined in a "Plan Document" and attached to this Memorandum of Agreement. The terms and conditions shall be agreed to by the parties prior to the institution of the self-insurance plan. Any savings realized by the Town as a result of a self-insured plan shall be divided as follows: fifty (50%) percent to the Town; fifty (50%) to the Union's Health and Welfare Fund or to improvement of the Plan, which choice shall be in the sole discretion of the Union. If the Union should decide to improve the plan, any such improvement shall be only to the extent of the savings allocated to such.

Savings shall be defined as a comparison of the actual cost to the Town of the self-insured plan or the actual cost of a traditional insurance plan, with the actual cost to the Town if the GHI M-1 Dental Plan for the one (1) year immediately preceding the change to self-insurance. For each successive year, savings shall be compared with the Town's cost of the previous year.

Failure of the parties to agree on the amount of savings shall be the subject of arbitration pursuant to the provisions of Article XX of the collective bargaining agreement.

In the event a self-insured dental plan is instituted and the Town determines to discontinue such plan and to provide dental coverage through a traditional insurance plan, the benefits provided will be no less than those benefits currently provided under the GHI M-1 Dental Plan, and further, in the event of such discontinuance, the Town agrees to maintain such traditional insurance coverage for the life of the collective bargaining agreement.

TOWN OF CHEEKTOWAGA

TOWN OF CHEEKTOWAGA
EMPLOYEES ASSOCIATION

BY: _____

BY: _____

DATED: _____

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

RE: Article 5, Sanitation Department Employees

This Memorandum is to clarify certain Sections of Article 5 of the Collective Bargaining Agreement between the parties:

- (a) Under §5.02(d), employees who waive meal periods and rest periods shall be permitted to sign out at 10:00 A.M. (first shift) and 3:00 P.M. (second shift) upon satisfactory completion of his assigned route or district.
- (b) Under §5.02(e), if an employee works a normal shift from 6:00 A.M. to 10:00 A.M. or 11:00 A.M. then works the second shift from 11:00 A.M. to 3:00 P.M., the employee would be entitled to be paid for eight (8) hours straight time and four (4) hours at time and one-half.

TOWN OF CHEEKTOWAGA

TOWN OF CHEEKTOWAGA
EMPLOYEES ASSOCIATION

BY: _____

BY: _____

DATED: _____

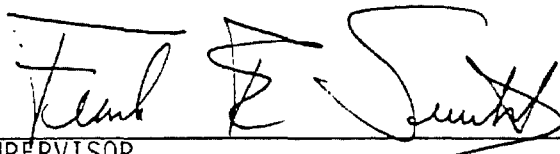
ARTICLE 28

TERMINATION AND MODIFICATION

This Agreement shall become effective the first day of January, 1989 and continue in full force and effect until midnight December 31, 1991, and from year to year thereafter unless on or before July 1st prior to any expiration date, either party shall notify the other in writing of its intending to negotiate for the succeeding year. The parties shall meet no later than fifteen (15) days after such notice is given.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed each by its authorized officials.

TOWN OF CHEEKTOWAGA, NEW YORK

BY: 
SUPERVISOR

TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

BY: 
PRESIDENT

DATE EXECUTED:

MEETING NO. 13
May 15, 1989

Item No. 10b Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit have agreed to the terms and conditions for a successor 1989-1991 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 Collective Bargaining Agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit.

* See next pages for Agreement

Upon Roll Call....

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

ARTICLE 1

RECOGNITION

The Board recognizes the Supervisory Unit as the sole and exclusive bargaining agent for the purposes of establishing wages, hours and other conditions of employment for the employees in the negotiating unit, hereinafter described. Such recognition shall extend to the maximum period allowed by law.

ARTICLE 2

NEGOTIATING UNIT

The negotiating unit shall consist of: Superintendent and Assistant Superintendent of the Main Pump Station, General Foremen, Working Foremen and Automotive Mechanic Foremen in the following departments: Highway, Sanitation, Central Garage, Sewer Maintenance, Main Pump Station and Facilities, and the Senior Public Safety Dispatcher.

ARTICLE 3

SUPERVISORY UNIT SECURITY

SECTION 3.01 - SUPERVISORY UNIT MEMBERSHIP

Each employee who, on the effective day of this Agreement is, or who thereafter becomes a member of the Cheektowaga Supervisory Unit and files a Dues Deduction Authorization, shall have dues deducted from his paycheck, on a weekly basis.

A G R E E M E N T
BETWEEN THE TOWN OF CHEEKTOWAGA
AND THE
TOWN OF CHEEKTOWAGA SUPERVISORY UNIT

This Agreement is made this *17th* day of *MAY*, 1989, by and between the Supervisor of the Town of Cheektowaga, on behalf of the Town Board of Cheektowaga; hereinafter referred to as the "Board" or "Town", Town of Cheektowaga Supervisory Unit, hereinafter referred to as the "Supervisory Unit" or "Union"; has, as its purpose, the promotion of harmonious relations between the Board and the Union; establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work and other conditions of employment.

"It is agreed by and between the parties that any provisions of this Agreement requiring legislative action to permit its implementation by amendment of law or by providing the additional funds therefor, shall not become effective until the appropriate legislative body has given its approval."

SECTION 3.02 - PAYROLL DEDUCTION OF SUPERVISORY UNIT DUES

(a) All employees who are members of the supervisory Unit shall tender their membership dues to the Supervisory Unit by signing the Authorization for Payroll Deduction of Supervisory Unit Dues on a form provided by the Supervisory Unit.

(b) The Town agrees to deduct Supervisory Unit membership dues in accordance with the amount certified by the Supervisory Unit to the Town and to maintain such dues deductions in accordance with the terms and conditions of the form of Authorization for Payroll Deduction of Supervisory Unit dues provided by the Supervisory Unit from the pay of all employees who have executed such authorization for payroll deduction of Supervisory Unit dues.

(c) Payroll Deduction of Supervisory Unit dues under the properly executed Authorization for Payroll Deduction of Supervisory Unit dues form shall become effective at the time the form is signed by the employees and shall be deducted in the next full pay period and weekly thereafter from the pay of the employee, providing the form is duly filed with the Fiscal Officer.

(d) The aggregate total of all such deductions shall be remitted each month to the designated financial officer of the Supervisory Unit together with a list from whom dues have been deducted on or before the fifteenth (15th) of every such month.

(e) Any changes in the amount of Supervisory Unit dues to be deducted must be certified by the Supervisory Unit in writing to the Fiscal Officer.

SECTION 3.03 - ACCESS TO PREMISES

The Town agrees to permit representatives of the Supervisory Unit to enter the premises of the Town for individual discussion of working conditions with employees during working hours, providing that such discussion does not unduly interfere with the performance of their duties.

SECTION 3.04 - AID TO OTHER UNIONS

The Town agrees that there will be no aid, promotion or financing of any labor group or organization which purports to engage in collective bargaining on the part of the Town or those designated as its representative or subordinate staff for the purpose of undermining the Supervisory Unit during the term of this Agreement.

SECTION 3.05- JOB SECURITY

(a) The Board agrees that for the life of this Agreement, permanent employees covered by this Agreement will not decrease below 21 employees.

(b) However, the Town may reduce the work force to 20 members through attrition only.

ARTICLE 4

MANAGEMENT'S RIGHTS

The Board reserves the exclusive right to manage the business of the Town and to direct the employees in the discharge of their duties, subject to the terms of this Agreement. The right to manage and direct the employees includes the right to hire, suspend, or discharge for proper cause in accordance with the applicable laws, the apportionment of the working force and the right to control the Town's property. In the exercise of these rights, the Board shall observe and be bound by all provisions of this Agreement.

ARTICLE 5

HOURS OF WORK

SECTION 5.01 - WORK SHIFT

Eight (8) consecutive hours of work, including lunch period, shall constitute a work shift.

SECTION 5.02 - WORK DAY

Eight (8) consecutive hours of work within the twenty-four (24) hour period shall constitute the regular work day.

SECTION 5.03 - INCLEMENT WEATHER

(a) In the event of severe weather, all employees are expected to make every reasonable effort to report for work at their regularly scheduled time, unless notified that the department is closed, such closing will be announced by radio, pursuant to Section 5.04.

(b) If an employee, after having made every reasonable effort to report for work is unable to do so, he shall have the option of using a sick leave day or personal leave day for such absence.

SECTION 5.04 - CLOSING OF DEPARTMENTS

(a) The Town Supervisor, due to inclement weather, may shut down any or all departments. The closing of the department shall mean that no employee shall report to work. Any employee whose department has been shut down by inclement weather conditions shall have the option of using a sick or personal day. If he has no accrued sick or personal days, he may use a vacation day.

(b) If a department is closed for three (3) consecutive work days by order of the Supervisor, one of such days shall be considered an "Act of God" day, for which the affected employees shall be allowed eight (8) hours of pay at the employee's regular rate of pay without loss of accrued leave benefits.

SECTION 5.05 - INCLEMENT WEATHER CALL IN

After the Town Supervisor has declared an inclement weather condition, and after all department full-time employees have been utilized, if it becomes necessary to utilize additional full-time employees from other departments, employees will be called in according to a town-

wide seniority list on the basis of their experience and demonstrated ability to operate related equipment. Any employee who works in another department during such an emergency situation will be charged with such overtime.

ARTICLE 6

HOLIDAYS

SECTION 6.01 - HOLIDAYS OBSERVED AND RECOGNIZED

The following shall be recognized and observed as paid Holidays:

New Year's Day	Veterans Day
Presidents' Day	Columbus Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	December 24th
Labor Day	Christmas Day
Election Day	January 2nd
	Employee Birthday

(a) An employee may take the holiday designated as the "employee birthday" on any one of his normal work days during the week the birthday falls. The employee shall obtain the prior approval of his superior before taking such day.

(b) Employees covered by this Agreement shall receive one (1) day's pay for each of the holidays listed above on which they perform no work.

(c) Employees of the Sanitation and Recycling Department, covered by this Agreement, shall be required to work on all of the above holidays except Christmas and New Year's Day.

(d) If any of the holidays listed falls on a Sunday, then the succeeding Monday shall be observed as a holiday. If any of the holidays listed falls on a Saturday then the preceding Friday shall be observed as a holiday. Any employee whose regular work week schedule includes Saturday and/or Sunday shall be paid for the listed holidays on the day they actually fall. This subsection shall not apply to the "employee birthday" holiday.

(e) Whenever any of the above holidays shall fall during an employee's vacation period, then the employee shall, in addition to his pay for such day, receive a lieu day to be taken at the employee's option provided two (2) week's notice is given to his immediate supervisor.

SECTION 6.02 - ELIGIBILITY REQUIREMENTS

All employees covered by this Agreement shall be eligible for Holiday pay under the following conditions:

(a) The employee would have been scheduled to work on such day if it had not been observed as a Holiday, unless the employee is on an authorized vacation, sick leave, or being paid Workers' Compensation benefits, in which case an additional day off shall be granted.

(b) The employee worked his last scheduled work day prior to the holiday and his next scheduled work day after the holiday.

(c) The employee must have actually worked ten (10) days during the month in which the holiday occurred in order to be eligible for the paid holiday as set forth in this Article. The term "actually worked", as used in this subsection, shall include only days actually on-the-job, vacation days, personal leave days, bereavement leave days and days for which Workers' Compensation is received.

SECTION 6.03 -HOLIDAY PAY

(a) An employee who performs no work on a holiday shall be paid his current rate of pay for that day based on his daily rate of pay based on the standard eight (8) hour day.

SECTION 6.04 -HOLIDAY WORK

If an employee works on any of the holidays listed in Article 6, Section 6.01, he shall be paid one and one half (1 1/2) times his regular rate of pay, in addition to his regular rate of pay of the day.

SECTION 6.05 -HOLIDAY HOURS FOR OVERTIME PURPOSES

For purposes of computing overtime, all holiday hours unworked for which an employee is compensated shall be regarded as hours worked. Any employee who works on a holiday shall be compensated in accordance with Section 6.04, but such overtime shall not be computed in his overtime record for the equalization of overtime purposes.

ARTICLE 7

VACATIONS

SECTION 7.01 - CHOICE OF VACATION PERIOD

(a) The Department Head shall furnish vacation request forms in duplicate. One (1) is to be retained by the employee and one (1) by the Department Head.

(b) Vacations shall be granted at the time requested by the employee, provided that such requests are made between January 1st and the last day of February of the year in which the vacation is to be taken.

(c) If the nature of work makes it necessary to limit the number of employees on vacation, the employee with the greater seniority shall be given his choice of vacation period. Vacation days may be taken in no less than one (1) day units, provided at least forty-eight (48) hours advance notice is given by the employee to his Department Head. Where practicable, vacations must be taken in full weeks. Vacation requests shall not be unjustly denied.

(d) No employee shall be required to work during his regularly scheduled vacation period.

SECTION 7.02 - VACATION SCHEDULE

Employees hired prior to January 1, 1979 shall accrue vacation as of each January 1. Employees hired on or after January 1, 1979 shall accrue vacation periods as of their anniversary date of hire. Vacations will be provided in accordance with the following schedule:

After 1 year.....10 working days
After 5 years.....15 working days
After 10 years.....18 working days
After 13 years.....20 working days
After 15 years.....23 working days
After 18 years.....24 working days
After 20 years.....25 working days
After 23 years.....27 working days
After 25 years.....30 working days
After 28 years.....1 additional day for each year

SECTION 7.03 - VACATION CREDITS UPON LAY-OFF, SEPARATION OR DEATH

(a) Employees covered by this Agreement shall receive in cash any vacation credits earned in the previous year, and a pro-rata payment for the current year in the event of layoff, death or separation (other than for disciplinary reasons). In the event of the death of an employee, such payment shall be made in the name of the beneficiary listed with the Payroll Department, otherwise it shall be paid to his estate.

SECTION 7.04 - VACATION CARRYOVER

(a) Employees shall be allowed to carry over unused vacation credits provided that such credits are used in the next consecutive year.

SECTION 7.05 - VACATION CREDITS AT RETIREMENT

(a) Each employee covered by this Agreement shall be paid, at the time of his retirement, the monetary value of any unused vacation time and overtime standing to his credit, on the next pay period following his retirement.

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

ARTICLE 8

SICK LEAVE

SECTION 8.01 - SICK LEAVE DEFINED

(a) Sick leave shall apply to absence due to illness of the employee, his spouse, if residing in the same household as the employee, or minor child or step-child, except where such illness is due to injury or disease for which the employee is entitled to receive Workers' Compensation.

(b) Employees who are unable to perform their duties because of injuries or disease received in the course of their employment shall receive a supplemental sum from the town by separate check, which shall be the difference between his regular salary and the Workers' Compensation benefits, and such supplemental sums shall be deducted from his accumulated sick leave at the rate of one-third (1/3) day per

day of absence due to compensable injury or upon total use of accumulated sick leave, shall be deducted from vacation credits.

SECTION 8.02 - APPLICATION AND ACCRUAL

(a) Regular full-time employees shall be granted sick leave at the rate of one and one-half (1 1/2) days per month, which shall accumulate to a maximum of 298 days.

(b) An employee must have actually worked at least ten (10) days during the month to be credited with sick leave accrual for that month. For the purposes of this subsection, paid days off shall be considered days "actually worked".

(c) Each employee shall receive a written net record of his accumulated sick leave balance at the end of each calendar year. The record shall be debited one (1) full day for each sick day used. Partial sick days shall be debited to the nearest half (1/2) days used.

(d) The Town Board may, by act or resolution, authorize extended sick leave in the event of sickness of the employee, if the employee has exhausted all of his accrued sick leave and all other paid leave benefits. Such payment, however, shall not exceed fifteen (15) days and must be repaid to the Town upon return to work.

(e) No sick leave shall be authorized and no payment shall be made unless the employee shall have notified his immediate supervisor of his absence, the reason therefore and

his anticipated return, at the earliest opportunity prior to the time he is scheduled to report for work.

(f) If an employee is laid off or his position terminated, and he return to work with the Town within one (1) year, any accumulated sick leave previously to his credit shall be reinstated.

(g) If an employee is absent for three (3) consecutive work days, the Town may require him to produce a medical report attesting to his illness before he shall receive sick leave benefits for those days. If an employee is absent the day before or day after his normal "weekend", the day before or day after a holiday or holiday weekend, such absences may be considered as three (3) consecutive work days of absence for purposes of this subsection.

SECTION 8.03 - ACCUMULATED SICK LEAVE CREDIT

(a) An employee covered herein may convert his accumulated sick leave days into money in his final year of employment prior to retirement. To do so, the employee must make written application to the Town signifying his intention to retire no later than one (1) year prior to his retirement.

Upon receipt of such, the Town will convert the employee's accumulated sick leave into money, not to exceed the maximum set forth in Section 8.03(b). Such payments will be paid in twelve (12) equal installments over the last twelve (12) months of employment. The application shall be

tendered on a form provided by the Town and shall be deemed a resignation to take effect on the date specified therein. The foregoing time limits shall not apply if an employee shall become eligible for a disability retirement under the New York State Employees Retirement System.

(b) Employees who comply with the provisions of (a) above shall be compensated for accumulated sick leave at the time of retirement as follows:

1989.....45% of total value of accumulated sick leave
1990.....55% of total value of accumulated sick leave
1991.....65% of total value of accumulated sick leave

The maximum number of days to be used to compute the percentage shall be 262 days.

SECTION 8.04

An employee covered under this Agreement, once having accumulated the maximum number of sick days under Section 8.02(a), may sell back to the Town up to five (5) sick days in November of each year, at his then regular daily rate of pay. To be eligible for such, the employee must have at least 298 sick days to his credit after such sell back.

SECTION 8.05

Employees covered by this Agreement shall be compensated on the same terms as set forth in Section 8.03(b) for accumulated sick leave in the event of death of the employee. Such payment shall be made to the estate of the deceased employee.

ARTICLE 9

LEAVE OF ABSENCE

Employees covered by this Agreement shall be eligible for a leave of absence for reasonable purpose after six (6) months. All such leaves, whether paid or unpaid, shall be handled in accordance with the following procedure:

(a) Any request for a leave of absence shall be submitted in writing by the employee to the Board. The request shall state the reason the leave of absence is being requested and the length of time off the employee desires.

(b) Any authorization for a leave of absence shall be furnished to the employee, by the Board, and it shall be in writing.

(c) A request for a short leave of absence, not exceeding one (1) month, shall be answered within five (5) days. A request for a leave of absence exceeding one (1) month, shall be answered within ten (10) days. No leave of absence shall exceed one (1) year in length.

(d) Employees shall be returned to the position they held at the time the leave of absence was granted, and shall accrue seniority while on any leave of absence granted under the provisions of this Agreement.

(e) A request for a leave of absence shall not be granted to the employee for the purpose of engaging in employment other than the Town of Cheektowaga, except that a

request for a leave of absence for reasons of self-employment will be granted by the Town Board. Seniority and benefits shall not accrue during a leave of absence granted for the purpose of engaging in self-employment.

ARTICLE 10

LEAVES OF ABSENCE

SECTION 10.01 - BEREAVEMENT LEAVE

In the event of the death of an employee's spouse, parents, children, sister, brother, grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law, the employee shall be granted five (5) consecutive work days without loss of pay. If a death occurs during the regular work day, the day will not be charged as one of the five.

SECTION 10.02 - PERSONAL LEAVE

(a) Personal leave shall mean a leave of absence from scheduled work for the purpose of the employee performing a personal obligation or emergency.

(b) Employees shall be granted up to five (5) personal leave days per year. Personal leave days are non-cumulative. Such days may be used only if approved at least twenty-four (24) hours in advance by the employee's immediate supervisor, except in the case of an unanticipated emergency.

(c) Any personal leave days not used by an employee shall be added to his vacation entitlement in the following year or to his sick leave credits, at the employee's option.

SECTION 10.03 - JURY DUTY

Employees who are required to report for jury duty shall be paid their full salary. Such employees must notify their immediate supervisor of such and provide him a copy of the notice.

SECTION 10.04 - CIVIC DUTY

Employees subpoenaed to appear before a court or other public body on any matter not related to their work and in which they are not personally involved as a plaintiff or defendant shall be granted leave without pay for the period necessary to a maximum of two (2) work days.

SECTION 10.05 - MILITARY SERVICE LEAVE

All employees eligible for benefits under Section 242 and 243 of the Military Law of the State of New York shall be granted such benefits in full accordance with the law.

ARTICLE 11

UNPAID LEAVES

SECTION 11.01 - EMPLOYMENT OPPORTUNITIES

Employees shall be granted a leave of absence without pay to enable such employees to serve temporarily, provisionally, for trial periods, or for periods necessary to qualify for permanent appointment to a competitive class, or another position of higher class that requires such conditions to be met, or where an employee is offered a job on a permanent transfer, so long as said employment is with the Town of Cheektowaga.

SECTION 11.02 - MATERNITY LEAVE

Maternity Leave shall be granted in accordance with applicable law, including the use of accumulated sick leave.

ARTICLE 12

RETIREMENT PLAN

(a) The Board will provide for each employee covered by this Agreement coverage under the New York State Retirement Plan, provided for in Section 75-1 of the New York State Retirement and Social Security Plan commonly known as the Non-Contributory "20 Year Career" Plan at no cost to the employee, except as mandated by the State.

(b) All employees must give the Town copies of requests for retirement which are submitted to the New York State Retirement System.

ARTICLE 13

INSURANCE COVERAGE

The Town will provide a \$25,000 life insurance policy for each member of the Unit, at no cost to the member.

ARTICLE 14

HEALTH INSURANCE

(a) The Town shall cover all employees under the Blue Shield Traditional Choice Plan and shall pay the full premium therefore, including XBR, \$1.00 co-pay prescription rider, major medical (\$50.00 deductible), and the equivalent of Blue Cross/Blue Shield rider 3, 4, 8, 12, 14 and 16 and prescription rider 8.

(b) Upon reasonable advance written application or notice to the Personnel Department, employees may continue health insurance coverage in the Town of Cheektowaga Health Insurance Plan while on authorized leave of absence without pay (excluding leave because of extended illness pursuant to provisions of current Agreement) provided that the employee makes full payment of the monthly premium on or before the 1st day of each month that the employee is on leave.

(c) The Town may select a different carrier or carriers as long as the benefits provided are substantially the same and the issue, if any, of substantially the same benefits, is agreed by the Union. In the event no agreement is had, the issue may be submitted by the Union directly to arbitration, pursuant to the grievance procedure herein.

(d) The Town shall provide health insurance coverage for employees who retire after August 17, 1981 at no cost to the employee, consisting of Blue shield Traditional Choice (or equivalent), including XBR, \$1.00 co-pay prescription rider, rider 16 (or equivalent), and \$250,000 major medical (with \$50.00 deductible). All retirees must reduce such coverage to Medicare complimentary coverage at 65. Such coverage shall last for the life of the retiree.

(e) The Town also agrees to provide, without cost, dental coverage at least equal to GHI M-I Dental Plan. Coverage shall include prosthetic, orthodontic and dependent coverage to age 23.

(f) The Town shall also provide, without cost, optical insurance commonly known as Blue Shield BCS - Option 2, or equivalent.

(g) The Town shall have the right to eliminate duplicate coverage. Upon request, an employee shall sign a statement as to whether he has or will procure health insurance coverage through the employment of a spouse or other employment.

(h) Employees hired on or after January 1, 1989 shall pay a portion of their health insurance premium as follows:

first year of employment....50%

second year of employment...25%

third year and thereafter....0%

(i) If, during the course of the year, the monthly premium rates for the coverage provided increased by more than twenty (20%) percent, per year, from the rates in effect on December 31, the payment of such increases over twenty (20%) will be negotiated by the parties to determine what share, if any, the employees shall pay.

ARTICLE 15

WAGES

SECTION 15.01 - WAGE SCHEDULE

The wage schedule for all employees covered by this Agreement shall be as set forth in Appendix A - 1989, Appendix B - 1990 and Appendix C - 1991 of this Agreement.

SECTION 15.02 - LONGEVITY SERVICE PAY

Employees covered by this Agreement shall, upon their anniversary date of hire, receive the following amounts. Such amounts shall be cumulative and shall be paid the employer on the next pay date following such anniversary:

1989

After six (6) years.....\$175.00
After twelve (12) years.....\$200.00
After sixteen (16) years.....\$300.00

1990 and 1991

After five (5) years.....\$200.00
After ten (10) years.....\$225.00
After fifteen (15) years.....\$325.00
After twenty (20) years.....\$ 50.00/year for
each additional year
to a maximum of
\$400.00

SECTION 15.03 - RATES FOR NEW JOBS

If the Town creates a new position or if there are other positions in the Town whose qualifications and duties are similar to those of the Supervisory Unit and become part of the Unit, the Town will discuss the wage rate for these positions with the Supervisory Unit. This Section shall be subject to the grievance procedure.

SECTION 15.04 - PAY PERIOD

The wages of all employees covered by this Agreement shall be paid on the same day each week. In the event this day is a Holiday, the preceding day shall be pay day.

SECTION 15.05 - SHIFT DIFFERENTIALS

(a) In addition to the established wage rates, there shall be a shift differential. All employees assigned on the second or third shift shall receive the following additional amounts per hour:

1989.....	\$.30
1990.....	\$.35
1991.....	\$.55

(b) All employees who have completed ten (10) years of service and are regularly scheduled to work a Saturday and Sunday shall receive the following additional amounts per hour:

1989.....	\$.35
1990.....	\$.50
1991.....	\$.50

SECTION 15.06 - VACATION PAY

An employee shall make arrangements at least two (2) weeks in advance if he desires to receive his vacation pay prior to taking his vacation.

SECTION 15.07 - WORK AT EMPLOYEE'S OPTION

Overtime work shall be voluntary except under emergency circumstances. There shall be no discrimination against any employee who declines to work overtime.

SECTION 15.08 - PREMIUM RATES OF PAY

All employees covered by this Agreement shall be paid time and one-half (1 1/2) their regular rates of pay for all work performed in excess of eight (8) hours in any work day of forty (40) hours in any work week.

ARTICLE 16

SENIORITY

SECTION 16.01 - SUPERVISORY SENIORITY

Supervisory seniority shall be based upon the date of permanent appointment to a position within the bargaining unit.

SECTION 16.02 - DEFINITION

Seniority means an employee's length of continuous service with the Town since his initial date of physically reporting for work.

SECTION 16.03 - PROBATIONARY EMPLOYEES

(a) All new employees hired shall be considered as probationary employees for the first ninety (90) days of their permanent employment. Upon completion of the probationary period, the employee shall be placed on the seniority list. There shall be no seniority among probationary employees. During his probationary period, the

employee shall only be entitled to bereavement leave and jury leave as outlined in this Agreement. Upon completion of his probationary period, the employee shall be entitled to all benefits allowed to regular full-time employees.

The Supervisory Unit shall represent probationary employees for the purpose of collective negotiations in respect to wages, hours, and other conditions of employment as set forth under Article 1 of this Agreement, except for discharge and discipline for other than Union activity.

SECTION 16.04 - BREAKS IN SERVICE

(a) An employee's continuous service record shall be broken by voluntary resignation, discharge for just cause and retirement, except if an employee returns to work in any capacity within one (1) year, the break in continuous service shall be removed from his record, with the exception of discharge for cause.

(b) An employee shall receive no credit for seniority purposes for any periods of time of suspension without pay, either leading to or as a result of disciplinary charges.

ARTICLE 17

WORK FORCE CHANGES

SECTION 17.01 - LAY OFF

(a) The word "layoff" means a reduction in work force. If the Board anticipates a layoff, it shall notify the employees and the Union sixty (60) days prior to such anticipated layoff.

(b) When an employee is laid off due to a reduction in the work force, he shall be permitted to exercise his seniority rights to bump (replace an employee with less seniority) an employee with less seniority in the same job classification or lower classification listed in Appendix A of this Agreement.

SECTION 17.02 -RECALL

When the work force is increased after a layoff, employees will be recalled according to the order of seniority as defined elsewhere in the Agreement, based on job classification. Notice of recall shall be sent to the employee at his last known address by registered mail. If an employee fails to report for work on the tenth (10th) day from the date of mailing of the notice of recall, he shall be considered a "quit". Recall rights for an employee who has not been recalled after a layoff shall expire one (1) year from the date of the layoff.

17.03 - PERMANENT VACANCIES

(A) Whenever a permanent job opening occurs in the Supervisory Unit, in other than a competitive civil service position, employees in the same or different job classification may bid on the vacancy providing the employee meets the qualifications of the position.

(1) A notice of such permanent job opening shall be posted on all bulletin boards and sent to the President of the Supervisory Unit. Qualified employees will have ten (10) working days to apply for the job opening. In making such application, the applicant shall also submit a resume setting forth any previous experience and/or training relating to the position applied for.

(2) The bid application and resume shall be forwarded to the Department Head of the department involved, and copies forwarded by the applicant to the Supervisory Unit and the Town Board.

(3) The Town shall fill such job opening from among the applicants who meet the standards of the job requirements, as solely determined by the Town Board. If there is more than one (1) qualified applicant from the bargaining unit, the one with greater bargaining unit seniority shall have preference.

(4) If, in the discretion of the Town Board, it shall determine that additional information is required from an applicant to enable the Town Board to determine if an applicant is fully qualified, such information shall be supplied by the applicant within the amount of time provided for by the Town Board. Failure to do so will preclude the applicant from further consideration for the opening.

(5) This Article shall not be subject to the grievance procedure.

SECTION 17.04 - TEMPORARY JOB OPENINGS

(a) Temporary job openings or vacancies are jobs that periodically develop or vacancies that periodically develop in a classification as a result of illness, vacation or leave of absence.

(b) Whenever such temporary job openings or vacancies occur, they may be filled by the Department Head by assignment. Such assignment shall be on the basis of qualifications and in the event of there being more than one qualified bargaining unit employee in the Department, on the basis of Supervisory Unit seniority. In the event there are no qualified bargaining unit employees in the department, the temporary job opening or vacancy may be filled by the Department Head by assignment from other qualified departmental employees. Temporary openings or vacancies known to be for more than thirty (30) days will be posted and filled in accordance with Section 17.03. In such event, and if the need is immediate, such temporary opening or vacancy may be filled by assignments, as set forth above, subject to the posting procedure. An employee assigned to or selected to fill such temporary vacancy shall be returned to his former position upon completion of the temporary assignment.

(c) An employee assigned to a temporary job opening or vacancy shall be paid the wage rate established for that job, or his own wage rate, whichever is higher.

(d) A temporary employee hired into a temporary job opening or vacancy shall receive the wage rate established for such job and no other benefits of this Agreement, while the employee is in such temporary status.

ARTICLE 18

DISCIPLINE AND DISCHARGE

(a) The procedure for taking disciplinary action against any employee covered by this Agreement shall be as set forth herein, except employees covered by Section 75 and 76 of the Civil Service Law shall have the option of resorting to the procedures therein in lieu of the procedures of this Article.

(b) Disciplinary action shall include: oral reprimand, written reprimand, suspension without pay, demotion, discharge.

(c) In the event of a serious violation, the employee involved may be suspended without pay, immediately. In such event, a meeting of the Labor/Management Committee will be convened within two (2) work days of the suspension.

(d) If there is a reason to reprimand an employee, it shall be done privately, except for the presence of a Union Representative and a representative of the Town Board, and in a manner that will not embarrass the employee before other employees or the public.

(e) If disciplinary action is to be taken, other than an oral or written reprimand, notification of such shall be

given the employee and the Union President, in writing. Such notice shall state the reason for the action and the proposed penalty.

(f) Disciplinary action other than an oral reprimand shall be processed at Step 2 of the grievance procedure herein and shall be subject to the arbitration provisions of the procedure, however, an oral reprimand, written reprimand or a suspension of two (2) days or less may only be processed through Step 2 of the grievance procedure.

(g) An arbitrator shall have the right to sustain the disciplinary action (demotion, discharge or suspension of three (3) days or more), overrule it or modify it.

(h) An employee shall not be disciplined for acts, except those which constitute a crime, which occurred more than one (1) year prior to the commencement of disciplinary action.

(i) Except as provided in the Town's Safety Program, prior disciplinary action in an employee's record shall not be used against the employee except on the issue of severity of penalty after the following:

- Six (6) months.....oral reprimand
- Twelve (12) months.....written reprimand
- Eighteen (18) months....suspension without pay

ARTICLE 19

SETTLEMENT OF DISPUTES

SECTION 19.01 - GRIEVANCE AND ARBITRATION PROCEDURE

A grievance shall mean a dispute between the parties hereto over the application, meaning or interpretation of the provisions of this Agreement. Such shall be resolved in the following manner:

Step I: The authorized representative of the Union, with or without the employee, shall present the grievance or dispute in writing to the employee's immediate supervisor, or his designee, within five (5) work days of its occurrence. The immediate supervisor or his designee shall respond in writing with five (5) work days to the authorized representative of the Supervisory Unit.

Step II: If the grievance or dispute is still not settled, it shall be presented by the Unit President and/or other authorized representative of the Unit, in writing, to the Coordinator of Employee Relations within seven (7) work days after the response of the Department Head is due. The Coordinator of Employee Relations shall schedule a meeting with the Supervisory Unit, to be held within five (5) work days, unless otherwise agreed. The Coordinator of Employee Relations shall then respond, in writing, to the Union within five (5) work days of the close of such meeting.

STEP III: If the grievance or dispute is still unsettled, either party may, within twenty (20) days after the reply of the Coordinator of Employee Relations is due, by written notice to other, demand arbitration.

(a) The arbitration proceedings shall be conducted by an arbitrator to be selected in accordance with the applicable rules and procedures of the New York State Public Employment Relations Board upon request of either party.

(b) The arbitrator shall be requested to issue his decision within thirty (30) days after the conclusion of testimony and argument. The decision of the arbitrator shall be final and binding on both parties.

(c) Expenses for the arbitrator's services and proceedings shall be borne equally by the Board and the Unit. If either party desires a transcribed copy of the proceedings, it shall pay for the transcription, and make copies available without charge, to the other party and arbitrator.

(d) No arbitrator shall have the power to amend, modify, or delete any provisions of this Agreement.

(e) Upon the mutual agreement of both parties, an arbitrator may be requested to hear and make determination on more than one (1) case, even though the cases are not related in any way.

ARTICLE 20

SECTION 20.01 - GRIEVANCE COMMITTEE

(a) Employees selected by the Supervisory Unit to act as Supervisory Unit Representatives shall be known as "Unit Officers". The names of representatives who may represent employees shall be certified, in writing, to the Board by the Supervisory Unit, and the individuals so certified shall constitute the Unit Grievance Committee.

(b) The Unit Officers may investigate and process grievances during working hours, without loss of time and pay, provided the Unit Officer(s) notifies his supervisor in advance and that the absence of the officer(s) does not interfere with the productivity of the department.

SECTION 20.02 - SAFETY COMMITTEE

The Board and Unit agree jointly to maintain, operate and support the Town Loss Control and Safety Program and Rules, a copy of which is incorporated by reference herein.

SECTION 20.03 - LABOR MANAGEMENT COMMITTEE

Conference between representatives of the Board and at least two (2) representatives of the Unit on important matters, which may include the discussion or procedures for avoiding future grievances and other methods of improving the relationship between the parties, will be arranged between the parties upon request of either party. Arrangements for such meetings shall be made in advance and shall be held at reasonable hours as mutually agreed upon by the parties. Employees acting on behalf of the Unit shall suffer no loss of time or pay should meetings fall within their regular work hours.

SECTION 20.04 - NEGOTIATION COMMITTEE

The Unit may select Unit members, not exceeding five (5) in number, to act on its behalf during the period of negotiation for a successor contract. Such persons comprising the negotiating team shall suffer no loss of pay or benefits for such time spent during their normal work hours.

ARTICLE 21

GENERAL PROVISIONS

SECTION 21.01 - PLEDGE AGAINST DISCRIMINATION AND COERCION

(a) The provisions of this Agreement shall be applied equally to all employees in the bargaining unit without discrimination as to age, sex, marital status, race, color, creed, national origin, or political affiliation. The Unit shall share equally with the Board the responsibility for applying this provision of this Agreement.

(b) All reference to employees in this Agreement designate both sexes and wherever the male gender is used, it shall be construed to include both male and female employees.

(c) The Board agrees not to interfere with the rights of employees to become members of the Unit, and there shall be no discrimination, interference, restraint or coercion by the Board or any Board representative against any employee because of Unit activity in an official capacity on behalf of the Unit.

(d) The Unit recognizes its responsibility as the sole and exclusive representative of the Negotiating Unit and agrees to represent all employees.

SECTION 21.02 - WORK RULES

(a) The Town agrees to discuss changes in existing work rules or the establishment of new work rules within the Unit.

SECTION 21.03 - WORK CLOTHING, PROTECTIVE CLOTHING

(a) Unit members in the following departments: Highway, Facilities, Sanitation, Sewer Maintenance, Recreation and Main Pump, whose job descriptions require such shall be provided three (3) uniforms per year, gloves and rainwear. Protective clothing, to include gloves and rainwear, shall be replaced when necessary by the Town, subject to normal wear and tear.

(b) Upon the issuance of rainwear, the employee will be responsible for such and if replacement is necessary as a result of the negligence of the employee, a fair and reasonable charge shall be made against the employee.

(c) Employees included within the provisions of (a) above shall also receive an allowance of up to \$50.00 per employee for safety shoes. Such shoes shall be provided by the Town. If an employee shall opt for safety shoes which cost more than \$50.00 per pair, such employees shall pay the additional cost.

(d) Employees receiving any of the items of clothing or shoes, as set forth in this Section, shall wear such uniforms, gloves, safety shoes and rainwear at all times on the job.

SECTION 21.04 - PERSONNEL POLICY

Thirty (30) copies of this Agreement in handbook form shall be provided by the Town for distribution by the Supervisory Unit President to the employees.

SECTION 21.05 - PERSONAL AUTOMOBILE REIMBURSEMENT

Employees who are obligated to use their personal automobile on Town business will be reimbursed \$.24 per mile.

SECTION 21.06 - RESIDENCY REQUIREMENT

Provided the employee maintains equal assessment on the tax rolls in Cheektowaga, he may reside outside the Town after 20 years of service.

SECTION 21.07 - HEALTH AND WELFARE

The Town agrees to pay to the Supervisory Unit the sum of \$750.00/year, no later than January 31st of each year, for a Health and Welfare Fund to be solely administered by the Supervisory Group.

SECTION 21.08 - LICENSE REIMBURSEMENT

Employees whose job requires that they must have a license duly issued by the State of New York or other governmental authority, to perform the duties of his job shall be reimbursed for the cost of said license upon presentation to the Town of a copy of said license and a copy of the paid receipt therefor.

An employee required to have a valid New York State driver's license to perform the duties of his job shall notify his Department Head and the Town's Employee Relations Office, immediately, of the loss, suspension or revocation of such license.

The reimbursement provisions of this section shall not apply to the cost of the license for appointment to a position within the bargaining unit.

ARTICLE 23

EMPLOYEE ASSISTANCE PROGRAM COMMITTEE

Within sixty (60) days after execution hereof, a committee shall be established consisting of no more than two (2) members of the bargaining unit and the Town to explore and draft an Employee's Assistance Program to assist employees experiencing personal problems having an impact upon their on-the-job performance. The committee shall make a final report and recommendations to the town Supervisor within six (6) months of its establishment.

ARTICLE 24

SAVINGS CLAUSE

Should any article, section or other portion thereof of this Agreement be declared unlawful and unenforceable by any Court or competent jurisdiction, such decision of the Court shall apply only to the specific article, section or portion thereof directly specified in the decision.

ARTICLE 25

TERMINATION AND MODIFICATION

"This Agreement shall become effective the first day of January, 1989 and continue in full force and effect until midnight December 31, 1991, and from year to year thereafter unless on or before July 1 prior to any expiration date, either party shall notify the other in writing of its intending to negotiate for the succeeding year. The parties shall meet no later than fifteen (15) days after such notice is given."

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

IN WITNESS WHEREOF, the parties have set their hands
this 17th day of May, 1989.

TOWN OF CHEEKTOWAGA, NEW YORK

BY: Frank E. Swiatek

Frank E. Swiatek

Supervisor

TOWN OF CHEEKTOWAGA SUPERVISORY UNIT

BY: Lawrence E. Lafas

President

Date Executed: May 17 1989

APPENDIX A

WAGE SCHEDULE

General Foreman - Facilities Department	\$16.827/hour
General Foreman - Central Garage	16.827/hour
General Foreman - Sewer Maintenance Department	16.827/hour
General Foreman - Highway Department	16.827/hour
Superintendent - Wastewater Treatment Plant	16.827/hour
Auto Mechanic Foreman - Central Garage	15.163/hour
Auto Mechanic Foreman - Highway Department	15.163/hour
Working Foreman	14.913/hour
Assistant Superintendent Wastewater Treatment Plant	14.913/hour

APPENDIX B

WAGE SCHEDULE

General Foreman - Facilities Department	17.626/hour
General Foreman - Central Garage	17.626/hour
General Foreman - Sewer Maintenance Department	17.626/hour
General Foreman - Highway Department	17.626/hour
Superintendent - Wastewater Treatment Plant	17.626/hour
Auto Mechanic Foreman - Central Garage	15.883/hour
Auto Mechanic Foreman - Highway	15.883/hour
Working Foreman	15.883/hour
Assistant Superintendent -Wastewater Treatment Plant	15.883/hour

APPENDIX C

WAGE SCHEDULE

General Foreman - Facilities	18.551/hour
General Foreman - Central Garage	18.551/hour
General Foreman - Sewer Maintenance Department	18.551/hour
General Foreman - Highway Department	18.551/hour
Superintendent - Wastewater Treatment Plant	18.551/hour
Auto Mechanic Foreman - Central Garage	16.716/hour
Auto Mechanic Foreman - Highway	16.716/hour
Working Foreman	16.716/hour
Assistant Superintendent- Wastewater Treatment Plant	16.716/hour

MEETING NO. 13
May 15, 1989

Item No. 11 Authorize Applicant of proposed rezoning of 2911 William Street to submit Draft Environmental Impact Statement
This item was withdrawn.

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

WHEREAS, the Town has previously applied to the New York State Affordable Housing corporation for a grant of "home improvement" funds for the rehabilitation of homes owned by low-income elderly residents in the Cedargrove Heights and Walden Avenue areas, and

WHEREAS, said grant application was approved in the amount of \$80,000.00 by the New York State Affordable Housing Corporation, and

WHEREAS, the Town must execute an agreement with the New York State Affordable Housing Corporation for the receipt of said funds, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is hereby authorized to execute on behalf of the Town an agreement with the New York state Affordable Housing Corporation, and sign any necessary related documents for the receipt of said grant funds, and BE IT FURTHER

RESOLVED that the Supervisor is authorized to establish a bank account for the receipt and disbursement of said grant funds.

Upon Roll Call....

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

Item No. 12b Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, the Town acquired a 17.5 foot wide drainage easement along the south boundary line of Sublot No. 16 of the Babbette Subdivision (a/k/a 82 Babbette Drive) under Liber 9648 of Deeds at Page 226, and

WHEREAS, the developer of this subplot accidentally erected a dwelling on the northerly one foot of such easement area, and

WHEREAS, the Town Engineer feels that it would create a substantial hardship on the part of the developer to move the dwelling out of the easement area, and therefore, recommends that the Town release the northerly one foot of such easement area, and

WHEREAS, this Board is in agreement with the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor, on behalf of the Town, be and hereby is authorized to execute the attached Discharge and Partial Release of Easement, and BE IT FURTHER

RESOLVED that this Discharge and Partial Release of Easement is subject to a permissive referendum, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to publish the attached "Notice of Adoption of Resolution Subject to Permissive Referendum" in the CHEEKTOWAGA TIMES.

Item No. 12b cont'd

NOTICE OF ADOPTION OF
RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 15th day of May, 1989, the Town Board of the Town of Cheektowaga duly adopted a resolution, an abstract of which follows, which is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

Resolution authorizing the discharge and release of the northerly one foot of the drainage easement located along the southerly 17.5 feet of Sublot 16 of the Babbette Subdivision (a/k/a 82 Babbette Drive).

Dated: May 15, 1989

RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga

* See next pages for Discharge and Partial Release of Easement

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

DISCHARGE AND PARTIAL

RELEASE OF EASEMENT

TOWN OF CHEEKTOWAGA

to

JOHN J. LUMADUE and

KIM A. LUMADUE

Dated:

DISCHARGE AND PARTIAL RELEASE

OF

EASEMENT

THIS INDENTURE, made and entered into as of the 17th day of May, 1989 by and between the 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, Cheektowaga, New York, hereinafter referred to as the party of the first part, and

JOHN J. LUMADUE and KIM A. LUMADUE, residing at 82 Babbette Drive, Cheektowaga, New York, County of Erie and State of New York, hereinafter referred to as the party of the second part.

W I T N E S S E T H:

That the party of the first part, in consideration of the sum of One and No/100 (\$1.00 and no more) Dollar and other good and valuable consideration paid by the party of the second part, does hereby release, remit and quitclaim unto the party of the second part, their heirs and assigns forever the following described easement:

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 74, Township 11, Range 7 of the Holland Land Company's survey and according to a map filed in the Erie County Clerk's Office under Cover No. 2481, is known and distinguished of part of Subdivision Lot No. 16, more particularly described as follows:

BEING that portion of a drainage/storm sewer easement conveyed to the Town of Cheektowaga by Jiggs Lewin Co., Inc. by instrument recorded in the Erie County Clerk's Office on November 26, 1986 in Liber 9648 of Deeds at Page 226, such portion being described as follows:

BEGINNING at a point on the westerly line of Babbette Drive (a 60.0 foot right-of-way) 17.5 feet north of the south line of Sublot 16 of Map filed in the Erie County Clerk's Office under Cover No. 2481; thence westerly and parallel with the southerly line of said Sublot No. 16 a distance of 130.01 feet to a point 10' east of the west line of said Sublot No. 16; thence southerly and parallel to the westerly line of said Sublot No. 16 a distance of one (1.0) foot to a point; thence easterly and parallel with the south line of said Sublot No. 16 a distance of 130.01 feet to a point on the west line of Babbette Drive; thence northerly along the west line of Babbette Drive a distance of one (1.0) foot to the point or place of beginning.

IN WITNESS WHEREOF the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer this 17th day of May, 1989.

TOWN BOARD, TOWN OF CHEEKTOWAGA

By: Frank E. Swiatek
Supervisor

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

On the 17th day of May, 1989, before me came FRANK E. SWIATEK to me known, who, being by me duly sworn, did depose and say that he resides at 22 Ely Drive, Depew, New York; that he is the Supervisor of the Town of Cheektowaga, the municipal corporation described in, and which executed the foregoing Discharge and Release of Easement; that he knows the seal of said municipal corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the Town Board of said municipal corporation; and that he signed his name thereto by liek order.

Valerie A. Meyers

VALERIE A. MEYERS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES APRIL 11, 1990

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..... MAY 18 1989 ;
last publication..... MAY 18 1989 ;
and that no more than six days intervened be-
tween publications.

Amy C Meyers
.....
18th

Sworn to before me this
day of *May*, 19 *89*

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE OF ADOPTION OF
RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that a regular meeting held on the 15th day of May, 1989, the Town Board of the Town of Cheektowaga duly adopted a resolution, an abstract of which follows, which is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

Resolution authorizing the discharge and release of the northerly one foot of the drainage easement located along the southerly 17.5 feet of Sublot 16 of the Babbette Subdivision (a/k/a 82 Babbette Drive).

RICHARD M. MOLESKI

Town Clerk

PUBLISH: May 18, 1989

Item No. 13a Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, the New York State Thruway Authority ("NYSTA") has control and jurisdiction over the New York State Thruway, and

WHEREAS, the New York State Thruway has entrance and exit ramps onto Walden Avenue in the Town of Cheektowaga, and

WHEREAS, off of Exit 52W of the Thruway, there is another exit which outlets onto Galleria Drive, and

WHEREAS, with the opening of the Walden Galleria Mall, many motorists from out of the area are coming into the Town of Cheektowaga and are unfamiliar with the road system, and

WHEREAS, the Town Board feels that additional and/or more visible signs are needed to direct Thruway traffic into the Walden Galleria Mall, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorizlies the NYSTA to conduct studies and implement measures necessary to alleviate traffic problems and motorist confusion near the Walden Avenue entrances and exits for the Thruway, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the NYSTA, Buffalo office.

Upon Roll Call....

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

Item No. 13b Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, Union Road and Walden Avenue are State highways under jurisdiction of the New York State Department of Transportation ("NYSDOT"), and

WHEREAS, the NYSDOT owns, operates and maintains traffic control signals at the intersection of Union Road and Walden Galleria Drive and on Walden Avenue, and

WHEREAS, with the opening of the Walden Galleria Mall, increased traffic exits and enters the Walden Galleria Mall from Union Road and Walden Avenue, and

WHEREAS, there is no left-hand turn signal for Union Road northbound traffic to enter Galleria Drive, and this Town Board feels that a left-hand turn signal should be added to the Union Road/Galleria Drive signal, and

WHEREAS, additional traffic control measures (i.e. signs) appear to be needed along Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the NYSDOT to conduct a traffic study of the Union Road/Galleria Drive intersection and along Walden Avenue to determine what traffic control measures should be implemented and to take all measures necessary to effectuate such traffic control measures, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the NYSDOT, Buffalo office.

Upon Roll Call....

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

OFFICE OF
BUILDING & PLUMBING INSPECTIONS

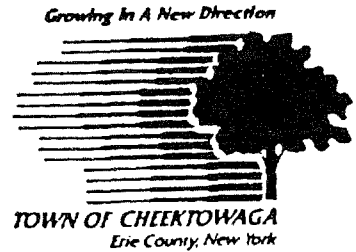
RONALD MARTEN

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
James Kirisits, Town Attorney
Richard Moleski, Town Clerk

FROM: Thomas Adamczak

DATE: May 15, 1989

RE: Hedstrom Memorial Baptist Church
Losson Road

RECEIVED
1989 MAY 15 AM 11:45
CHEEKTOWAGA
TOWN CLERK

At the meeting of May 9, 1989 the Environmental Quality Review Advisory Committee the above item was discussed and a determination rendered.

DETERMINATION: Non-Significant With Condition That Final Drainage Plan Be Approved By Town Engineer and Highway Engineer.

The item had been discussed previously and suggested changes made. The item was tabled to allow for comment from agencies that were notified of the project.

- Comment was received from: New York State Department of Environmental Conservation - no concerns were expressed;
- Erie County Department of Environment and Planning - sewer taps and highway cuts are required - no other comments.

TA:ckl

MEETING NO. 13
May 15, 1989

Item No. 15 Urge E.C. Legislature to restore full funding to Cooperative Extension
This resolution died due to lack of a second on the motion.

Item No. 16 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

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

WHEREAS, the developers for the Losson Meadows Subdivision have submitted the required Public Improvement Permit Application, plans and specifications and permit fee for improvements to be constructed within Phase II of the subject residential subdivision, NOW, THEREFORE, BE IT

RESOLVED that this Public Improvement Permit be and hereby is approved for the constructed of infrastructure improvements within Phase II of the Losson Meadows Subdivision, and BE IT FURTHER

RESOLVED that the subject permit fee amounting to \$6,083.92 be deposited in the Public Permit Account that was established for receipt and disbursement of public improvement permit fees.

Upon Roll Call....

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

Item No. 17 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Buffalo Sewer Authority is undertaking a project to relieve flooding on Bame Avenue by the installation of an additional storm sewer along Burke Drive and Bame Avenue, and

WHEREAS, residents of Croy Avenue had petitioned this Town Board requesting that the Town participate in the Buffalo Sewer Authority Storm Sewer Project so as to provide drainage relief to their homes on Croy Avenue, and

WHEREAS, the Buffalo Sewer Authority is agreeable to increase the storm sewer size along Burke Drive and extend said storm sewer from Bame Avenue to Croy Avenue so as to provide the Town an opportunity to extend a storm sewer northerly within the Croy Avenue right-of-way at some future date, NOW, THEREFORE, BE IT

RESOLVED that this Town Board approves the sharing the costs with the Buffalo Sewer Authority, in the amount of approximately \$130,630. as proposed in the Buffalo Sewer Authority's letter of April 13, 1989 to the Town Engineer, and BE IT FURTHER

RESOLVED that the Town financing will be subject to future required legal proceedings for the funding of this Storm Drainage District #1 project.

* * * * *

MOTION BY COUNCILMAN JOHNSON, 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. 17 cont'd

Motion by Councilman Johnson, seconded by Councilman Solecki

WHEREAS, the Buffalo Sewer Authority is undertaking a project to relieve flooding on Bame Avenue by the installation of an additional storm sewer along Burke Drive and Bame Avenue, and

WHEREAS, residents of Croy Avenue had petitioned this Town Board requesting that the Town participate in the Buffalo Sewer Authority Storm Sewer Project so as to provide drainage relief to their homes on Croy Avenue, and

WHEREAS, the Buffalo Sewer Authority is agreeable to increase the storm sewer size along Burke Drive and extend said storm sewer from Bame Avenue to Croy Avenue so as to provide the Town an opportunity to extend a storm sewer northerly within the Croy Avenue right-of-way at some future date, NOW, THEREFORE, BE IT

RESOLVED that this Town Board is interested in sharing the costs with the Buffalo Sewer Authority, and BE IT FURTHER

RESOLVED that the Town financing will be subject to future required legal proceedings for the funding of this Storm Drainage District #1 project.

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 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 new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, and

NOW, THEREFORE, BE IT RESOLVED that the recommendations of EMS Board concerning the licensing of new/renewal 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 new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* See next page for list of drivers/attendants

Upon Roll Call....

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

TOWN OF CHEEKTOWAGA AMBULANCE DRIVER/ATTENDENT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>AMBULANCE COMPANY</u>	<u>EMT EXPIRES</u>
BEHRINGER, MICHAEL P.	Williamsville, NY14221	Town's	5/31/91
BURKOWSKI, KENNETH M, II	Kenmore, NY 14214	Town's	1/31/92
DI CHRISTINA, ROBERT R.	Grand Island, NY 14072	Town's	12/31/91
MORGAN, STEVEN L.	Grand Island, NY 14072	Town's	3/31/91
NELSON, RICHARD R.	Buffalo, NY 14207	Town's	1/31/92
NOSAL, MARK A.	Depew, NY 14043	Town's	5/31/90
PRUSIECKI, RICHARD JR.	Cheektowaga, NY 14225	Town's	1/31/92
ROLAND, TODD A.	Cheektowaga, NY 14227	Town's	1/31/92
SCHNEIDER, RICHARD G. JR.	Depew, NY 14043	Town's	5/31/90
WOODSON, LAURA A.	East Aurora, NY 14052	Town's	5/31/91

MEETING NO. 13
May 15, 1989

Item No. 18b Authorization for Cheektowaga Sports/Parks & Recreation Committee to disband
This item died due to lack of a second on the motion.

Item No. 18c Authorization for Highway Superintendent to purchase & install guardrails on Barbados and Castlewood
This item was withdrawn.

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

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board is to find environmentally sound and cost efficient alternatives for the management of solid wastes, and

WHEREAS, by resolution dated November 18, 1985, this Town Board authorized the Town to act as lead agency for all activities involved in preparation of engineering work, and

WHEREAS, the Northeast Board, including the Town of Cheektowaga have appropriated sufficient funds for the preparation of such engineering work, including a \$200,000 grant in contract with the Northeast Board and N.Y.S.D.E.C., and

WHEREAS, the firm of Barton and Loguidice, P.E., consulting engineers, were retained to do the necessary study within budgeted funding, and

WHEREAS, Barton and Loguidice, have submitted bills to the Northeast Board for their services, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga, as lead agency for the Northeast 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 \$22,019.09 for services for the period 10/2/88 through 2/25/89, from the Northeast Board's account and to pay said sums to Barton and Loguidice, P.E., for services rendered to date per agreement dated June 4, 1986 and Amendment No. 5.

Upon Roll Call....

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

Item No. 19 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

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 has 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 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



Cheektowaga Police Department

3223 Union Road, Cheektowaga, New York 14227-1080

Robert M. Lis
Chief of Police

Ernie D. Chamberlin
Assistant Chief

TO: ALL PERSONNEL AND DEPARTMENTS
FROM: LT. JOHN HOWLETT, E-911 COORDINATOR

Effective April 28, 1989 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. Also the Town Board has renamed Postal Dr. to Galleria Dr. as reflected below. 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
418	BENNETT RD Paul Havernack		
177	BENNETT RD Timothy J. Leach Raymond M. Nagel		
120	POSTAL DR Industrail Power Corp	120	GALLERIA DR
120	POSTAL DR Westinghouse Elec Supply	120	GALLERIA DR
125	POSTAL DR US Post Office	125	GALLERIA DR
no#	POSTAL DR Pyramid Corporation	no#	GALLERIA DR

If you have any questions or problems regarding these changes you may contact me at 686-3520.

(716) 686-3500

Item No. 19 cont'd

Upon Roll Call....

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

Item No. 20a Motion by Councilman Kazukiewicz, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be and hereby are terminated as Seasonal and/or Part-time Employees in the Facilities Department:

EFFECTIVE

Robert Mager	5/02/89
Laurence Williams	5/08/89

Upon Roll Call....

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

Item No. 20b Motion by Councilman Solecki, Seconded by Councilman Johnson

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

EFFECTIVE

SANITATION DEPARTMENT

Christopher Karak	Immediately
David Montfort	"
Gino Fasoli	"

Upon Roll Call....

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

Item No. 21a Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, in light of the recent crisis in the area of disposal of solid waste in the United States, the State of New York and the Town of Cheektwoaga, this Town Board is interested in obtaining all information possible concerning methods of and alternatives to solid waste disposal, and

WHEREAS, it is important for this Town Board to obtain input from and involve all segments from the community in planning a resolution to this crisis, and

WHEREAS, the individuals listed below have expressed a willingness to serve on a committee to learn about and help to resolve the solid waste crisis, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby creates a Community Action Solid Waste Advisory Committee composed of the following individuals:

Robert Rzoska	George Buzynski
Benita Agram	Medford Hampe
Suzanne Pietrowski	Al Wiercioch
Waldimer Pawlowski	Pat Dwyer
Michael Binkowski	Julita Orlikowska-Kotlarz
James Ward	Theodore Lakomski
Michael Pappero	

Item No. 21a cont'd

and BE IT FURTHER

RESOLVED that such Community Action Solid Waste Advisory Committee shall have the following objectives and responsibilities:

1. review recent legislation, including new mandatory recycling legislation, in the area of solid waste disposal.
2. investigate current industry standards, techniques and technology in the area of solid waste disposal including resource recovery, recycling and composting.
3. study practices of other communities in the state and country in disposing of solid waste.
4. encourage public participation, input, awareness and education in solid waste disposal and alternatives thereto.
5. research and investigate costs associated with different methods of solid waste disposal.
6. seek environmentally sound alternatives to solid waste disposal.
7. review Town ordinance requirements and recommend amendments thereto for solid waste disposal.
8. investigate commercial and industrial solid waste disposal practices within the Town and, in particular, the Town's current practices with respect to commercial container pickup.
9. review all local statistics available to streamline efficiency and practices of Town in area of solid waste disposal.
10. review needs of the Town Sanitation Department (i.e., equipment, manpower, job duties, personnel practices).
11. review and investigate sites for possible recycling and composting locations.

and BE IT FURTHER

RESOLVED that such Community Action Solid Waste Advisory Committee shall provide monthly reports to this Town Board of all actions taken by it and provide status reports whenever so requested by this Town Board.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 21b Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, a need exists in the Facilities Department for a position with respect to the Alexander Street School and other various maintenance assignments in other Town-owned facilities and equipment, and

WHEREAS, it has been determined that the most likely title is that of Assistant Foreman (Assistant Working Crew Chief), NOW, THEREFORE, BE IT

RESOLVED that the position of Assistant Foreman (Assistant Working Crew Chief) is hereby created in the Facilities Department and that the salary for such position be negotiated with the Cheektowaga Supervisory Unit, in accordance with that Unit's collective bargaining agreement, and BE IT FURTHER

RESOLVED that the position be posted in accordance with said Agreement.

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

Item No. 22a Appointment of cleaner in Sanitation
This item was withdrawn.

Item No. 22b Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, there is a permanent vacancy in the Sanitation Department for the position of Cleaner, and

WHEREAS, a notice of such vacancy was posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that John Sczепanik, 106 Midland Drive, be appointed to the position of Cleaner in the Sanitation Department and at a salary in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association.

Upon Roll Call....

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

Item No. 22c Appointment of Working Foreman in Sanitation Department

Motion by Councilman Kulyk, Seconded by Councilman Johnson to offer a substitute resolution (appointing Frank J. Dux) in place of the original resolution (appointing Robert Skibniewski) and the substitute resolution is as follows:

WHEREAS, a vacancy exists in the position of Working Foreman in the Facilities Department, and

WHEREAS, it is in the best interest of the Town to assign a current experienced Working Foreman to such vacancy, and

WHEREAS, it is also in the best interest of the Town for such Working Foreman to make recommendations directly to the Town Board on methods to better productivity in the Facilities Department and on improving the relationship between management and departmental employees, NOW, THEREFORE, BE IT

RESOLVED that Frank J. Dux, be and hereby is temporarily re-assigned as a Working Foreman in the Facilities Department for a period not to exceed ninety (90) days, and BE IT FURTHER

RESOLVED that the permanent vacancy of Working Foreman (Facilities Department) be re-posted in accordance with the terms of the Collective Bargaining Agreement between the Town and the Town of Cheektowaga Supervisory Unit.

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN GABRYSZAK TO TABLE THE ABOVE SUBSTITUTE RESOLUTION.

The original resolution (appointing Robert Skibniewski) was then withdrawn.

Item No. 22d Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, by resolution of this Town Board dated December 21, 1987, William R. Pugh was provisionally appointed to the position of Assistant Town Engineer, pending the results of a competitive Civil Service examination, and

Item No. 22d cont'd

WHEREAS, it was further resolved that the said position was included in the bargaining unit represented by the Town of Cheektowaga Employees Association as long as said appointment was to be provisional, and

WHEREAS, the said William R. Pugh has successfully completed a non-competitive promotional examination for said position, said examination having been offered on January 7, 1989, and

WHEREAS, the County of Erie Department of Personnel has certified a list for non-competitive promotion to the position of Assistant Town Engineer and the said William R. Pugh is the only name on said list, and

WHEREAS, the Town has complied with the requirements of the Erie County Department of Personnel for the permanent appointment of the said William R. Pugh to the position of Assistant Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that William R. Pugh be and he hereby is permanently appointed to the position of Assistant Town Engineer, at an annual salary of \$41,737. and BE IT FURTHER

RESOLVED that pursuant to the previous resolution of this Town Board dated December 21, 1987, that the position of Assistant Town Engineer be excluded from all of the Town's bargaining units.

Upon Roll Call....

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

Item No. 23 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, by resolution of this Town Board dated November 16, 1987, William R. Pugh was granted a leave of absence from his position of Junior Engineer, while he was provisionally appointed to the position of Assistant Town Engineer, and

WHEREAS, by the terms of such resolution, the said leave of absence was to extend until such time as the results of a competitive Civil Service examination for the position of Assistant Town Engineer were released, and

WHEREAS, said results have now been released, and

WHEREAS, William R. Pugh, by resolution this date, is appointed permanently to the position of Assistant Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the leave of absence previously granted William R. Pugh from his position as Junior Engineer is hereby terminated.

Upon Roll Call....

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

Item No. 24 Motion by Councilman Johnson, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following part-time employee's per hour rate of pay in the Assessor's Office be increased to \$4.35 per hour, effective immediately:

Dorothy Glowacki

Item No. 24 cont'd

Upon Roll Call....

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

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

BE IT RESOLVED that the below listed individual be hired as a Crew Supervisor for the Cheektowaga Conservation Corps. (01-7310-0001-1811), at a salary rate of \$6.50 per hour, effective May 22, 1989 to help with the preliminary work before the start up of the summer program.

--Christopher Kowalewski

Depew, New York 14043

Upon Roll Call....

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

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

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1989 Summer Program:

Parks Division - ACCT. #01-7110-0001-1491 at \$4.35 per hour

Anthony Schubert
Andrew J. Sciandra
Michael Nostro
Robert Lee
James Demler
Stephen Thomas
Michael Barker
Paul Heary
John E. Rogowski

Upon Roll Call....

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

Item No. 25c Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

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

POLICE DEPARTMENT - \$4.35 per hour

Kelly Ertel

EFFECTIVE

Immediately

Upon Roll Call....

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

Item No. 26 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the firm of Scaffidi & Moore Architects has informed the Town Board that State and Federal regulations require notification of areas where asbestos or asbestos containing material exists, and

WHEREAS, Safe Air Environmental Group, Inc. has proposed to provide a visual inspection, bulk sampling and analysis and a written management plan at the Alexander Community Center for \$7,335.00, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby retains the firm of Safe Air Environmental Group, Inc., P.O. Box 457, Depew, New York 14043 to provide said asbestos study at a fee not to exceed \$7,335.00.

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN GABRYSZAK TO AMEND THE ABOVE RESOLUTION, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the firm of Scaffidi & Moore Architects has informed the Town Board that State and Federal regulations require notification of areas where asbestos or asbestos containing material exists, and

WHEREAS, Safe Air Environmental Group, Inc. has proposed to provide a visual inspection, bulk sampling and analysis and a written management plan at the Alexander Community Center for \$7,335.00, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby retains the firm of Safe Air Environmental Group, Inc., P.O. Box 457, Depew, New York 14043 to provide said asbestos study at a fee not to exceed \$7,335.00, Account No. 05-1625-8811-1101.

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 Gabryszak

BE IT RESOLVED that Niagara Mohawk Power Corporation be and hereby is authorized to install additional street lighting on Walden Terrace and Parkedge Drive in the Town of Cheektowaga, in accordance with the attached proposals, as follows:

- Walden Terrace (south side) - install 1 - 100 watt high pressure sodium fixture on 1 new wood pole, and change 2 - 175 watt mercury vapor lights to 100 watt high pressure sodium units on poles #1394 and #1370, for an annual increase to the General Lighting District of \$153.50.
- Parkedge Drive (Option #1) - install 1 - 100 watt high pressure sodium unit on pole #44, for an annual increase to the General Lighting District of \$123.02.

* See next page(s) for proposal

TOWN OF CHEEKTOWAGA
STREET LIGHT PROPOSAL
WALDEN TERRACE

General Description

Increase the level of street lighting on Walden Terrace; one (1) new street light will be installed on the south side of the street. The existing street lights will be changed to new High Pressure Sodium units.

Details

- 1) Install 1 - 100 watt High Pressure Sodium street light and 1 new wood pole on south side of Walden Terrace.

The south side of Walden Terrace has no trees to block the new street light.

- 2) Headchange 2 - 175 watt Mercury Vapor street lights to 100 watt High Pressure Sodium units; Pole No. 1394 and Pole No. 1370.

Spacing

Old - 217 feet between two (2) street lights.

New - 108 feet between three (3) street lights.

Lumen Level

Old - 17,200 Lumens

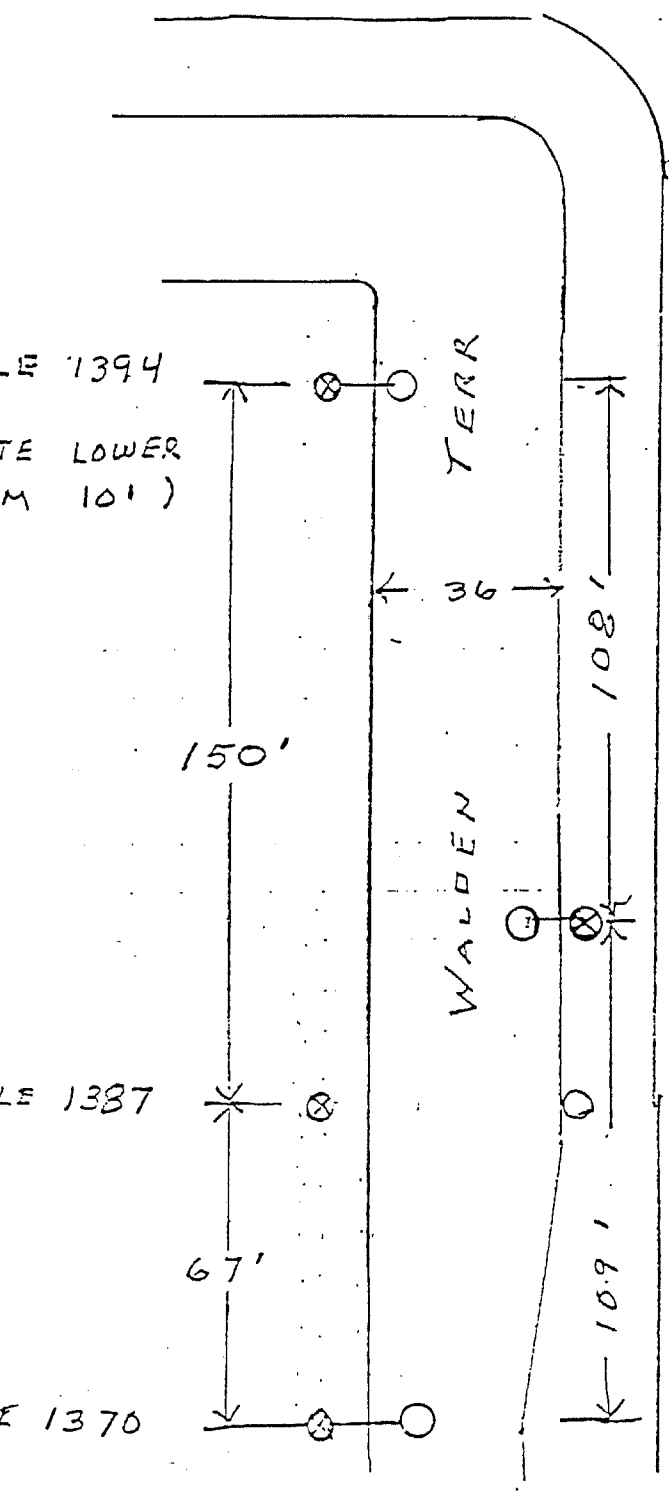
New - 28,500 Lumens

Billing Cost

There will be an annual increase in the street light billing of \$153.50.

TOWN OF CHEEKTOWAGA
WALDEN TERR.

HARLEM AVE



- ⊗ — INSTALL NEW 100 WATT H-P. SODIUM S-L.
- — CHANGE HEAD 175 WATT MV. TO 100 WATT H-P. SODIUM S-L.
- ⊗ — WOOD POLE

TOWN OF CHEEKTOWAGA
STREET LIGHT PROPOSAL
PARKEDGE DRIVE

Present Installation

100 watt High Pressure Sodium street lights are installed on every second wood pole. The typical spacing is 200 feet between street lights.

Spacing Exception

One street light is installed on Pole No. 84 providing a 100 foot spacing for that location.

Proposals

- 1) Install 1 - 100 watt High Pressure Sodium street light on Pole No. 44.
Additional Lumens - 9,500
Spacing - will provide 100 foot spacing for this location.
Cost - \$123.02 Annual Increase

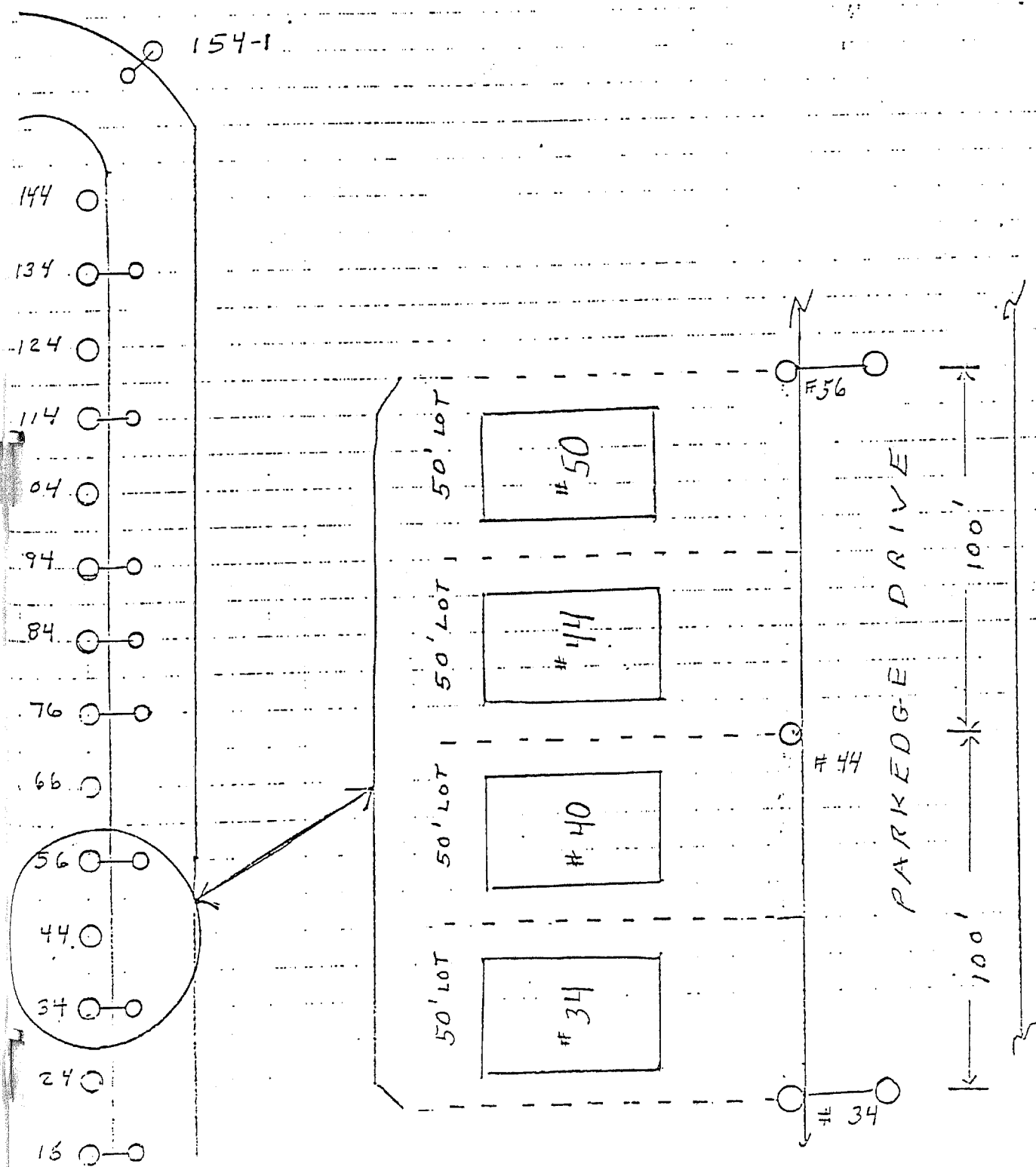
- 2) Install 1 - 70 watt High Pressure Sodium street light on Pole No. 44.
Additional Lumens - 5,800 Lumens
Cost - \$109.95 Annual Increase

TOWN OF CHEEKTOWAGA
PARK EDGE DRIVE

0-100 WATT HIGH PRESSURE STREET LIGHTS

TYPICAL POLES SPACING 100'

AVERAGE LOT SIZE 50'



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 Johnson, Seconded by Councilman Gabryszak

WHEREAS, the Town has engaged in an annual Fertilization/Weed Control Program as part of its obligation with an agreement with the New York State Department of Environmental Conservation in the maintenance of all lands associated with the Scajaquada Creek Flood Control Project, and

WHEREAS, there is need to undertake this program immediately and bids have been received and awarded to do this work for which no funds have been budgeted at this time, NOW, THEREFORE, BE IT

RESOLVED that the following budget transfer is hereby approved for the 1989 budget year for the Scajaquada Creek Fertilization/Weed Control Program.

GENERAL FUND

FROM: 01-1910-0004-4711 \$15,000.00
TO: 01-8540-0004-4587 \$15,000.00

Upon Roll Call....

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

Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz to dispense with the reading of the figures in Item #29.

Upon Roll Call....

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

Item No. 29 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: 1910-04-4711 (Contingency) \$ 152.45
TO: 9950-08-1989 (Transfer to Capital) \$ 152.45

CAPITAL FUND

FROM: 5031 (Interfund Transfer In) \$ 13.24
5031 (Interfund Transfer In) 139.21
TO: 7410-8811-1102 ((Lighting) \$ 13.24
7410-8821-1108 (Master Plan Review) 139.21

Item No. 29 cont'd

SPECIAL DISTRICT FUND

FROM:	8123-04-4801 (Accounting Allocated)	\$ 21,521.00
	8123-04-4803 (Law-Allocated)	10,221.00
	8123-04-4805 (Engineering-Allocated)	57,088.00
	8123-04-4807 (Central Garage-Allocated)	19,558.00
	8123-04-4801 (Accounting-Allocated)	64,562.00
	8125-04-4803 (Law-Allocated)	30,663.00
	8125-04-4805 (Engineering-Allocated)	171,262.00
	8125-04-4807 (Central Garage-Allocated)	58,676.00
	5182-01-4809 (Allocated Street Lighting)	36,858.00
TO:	8123-01-4801 (Accounting-Allocated)	21,521.00
	8123-01-4803 (Law-Allocated)	10,221.00
	8123-01-4805 (Engineering-Allocated)	57,088.00
	8123-01-4807 (Central Garage-Allocated)	19,558.00
	8125-01-4801 (Accounting-Allocated)	64,562.00
	8125-01-4803 (Law-Allocated)	30,663.00
	8125-01-4805 (Engineering-Allocated)	171,262.00
	8125-01-4807 (Central Garage-Allocated)	58,676.00
	5182-01-1492 (Building Maintenance-Allocated)	36,858.00

Upon Roll Call....

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

Item No. 30 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 May 15, 1989 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$2,211,247.74
HIGHWAY FUND	460,109.66
CAPITAL FUND	683,663.04
TRUST & AGENCY FUND	267,886.68
HUD-CDBG FUND	5,234.87
PART TOWN FUND	36,679.90
HUD-RENTAL REHAB. FUND	4,204.65
RISK RETENTION FUND	118,006.23
DEBT SERVICE FUND	1,001,280.00
HUB REHAB. FUND	6,103.46
SPECIAL DISTRICT FUND	2,508,148.17
	<u>\$6,302,564.40</u>

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN GABRYSZAK
TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

Item No. 30 cont'd

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 May 15, 1989 are hereby approved and made a part hereof:

<u>FUND</u>	<u>AMOUNT</u>
GENERAL FUND	\$2,211,247.74
HIGHWAY FUND	460,109.66
CAPITAL FUND	692,663.04
TRUST & AGENCY FUND	409,886.68
HUD-CDBG FUND	5,234.87
PART TOWN FUND	36,679.90
HUD-RENTAL REHAB. FUND	4,204.65
RISK RETENTION FUND	118,006.23
DEBT SERVICE FUND	1,001,280.00
HUB REHAB. FUND	6,103.46
SPECIAL DISTRICT FUND	1,508,148.17
	<u>\$6,453,564.40</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 31 Supervisor's Statement of Funds
Received and Filed.

Item No. 32 Minutes of Planning Board Meeting - April 1989
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 33 Annual Financial Report for Fiscal Year 1988
Received and Filed.

Item No. 34 Notice of Claim - Francis Lesniak 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 in Sanitation
Department; Joseph J. Naples, Insurance Carrier.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Supervisor Swiatek, Seconded by Councilman Kulyk
to suspend the rules to include the following two (2) items.

Upon Roll Call....

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

Item No. 35 Motion by Councilman Kazukiewicz, Seconded by Councilman Solecki

WHEREAS, in 1988, \$216.00 from the Cheektowaga Day at the Bisons was donated to the Town to be used by the Police Department, Juvenile Division, for fighting drugs and teaching crime prevention to our youths, and

WHEREAS, in 1989, \$575.00 was realized from the auction held by the Police Department for the sale of bicycles and other property held by the Police Department, and

WHEREAS, such moneys were deposited in the General Fund of the Town, and

WHEREAS, this Town Board feels that the aforesaid moneys should be transferred from the General Fund into a Trust and Agency account established for combatting drugs and teaching crime prevention to our youths, NOW, THEREFORE, BE IT

RESOLVED that \$791.00, representing moneys realized from Cheektowaga Day at the Bisons and the police auction, be transferred from the General Fund into a Trust and Agency account established by the Director of Administration and Finance for fighting drugs and teaching crime prevention.

Upon Roll Call....

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

Item No. 36 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, by resolution dated April 26, 1989, this Town Board authorized the Supervisor to execute an application to the New York State Thruway Authority ("NYSTA") for an Occupancy Permit for the portion of Galleria Drive under the I-90 bridge, and

WHEREAS, paragraph number "8" of the Rider to such Occupancy Permit requires the Town to pay the NYSTA certain costs to reimburse NYSTA for its continued costs of maintaining the I-90 bridge, and

WHEREAS, the Pyramid Company of Buffalo has agreed to pay such costs on behalf of the Town or to reimburse the Town for same, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts and approves the payment schedule found in paragraph 8 of the aforementioned Rider to the NYSTA Occupancy Permit for Galleria Drive, and BE IT FURTHER

RESOLVED that this Town Board hereby also agrees to accept the payments required under such Permit and subsequent easement from the Pyramid Company of Buffalo, and BE IT FURTHER

RESOLVED that this Town Board hereby accepts the first annual payment of \$142,000 from the Pyramid Company of Buffalo and approves the payment of such sum to the NYSTA, and BE IT FURTHER

RESOLVED that such moneys shall be appropriated from Town budget line item number.

Upon Roll Call....

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

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

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 14 June 5, 1989

- 1 Rezoning at 782 Aero Drive from M1-Light Manufacturing to CM-General Commercial District and Special Use Permit for auto and truck repair garage

Meeting No. 15 June 19, 1989

- 1 Rezoning at 4945 Genesee Street from R-Residential to CM-General Commercial and Special Use Permit to add 121 Mobile homes
- 2 Rezoning at William St. (former William St. orphanage) from R-Residential District to RS-Senior Citizen Housing District

Meeting No. 16 July 3, 1989

- 1 Special Use Permit - 3440 Genesee Street to operate auto repair shop and used car sales
- 2 Special Use Permit - 3735 Union Road to operate a tire service center
- 3 Special Use Permit - Thruway Mall East Lot to operate appliance store and public garage

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 14 June 5, 1989</u>	
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	b. Amendment to Chapter 65 of the Code of the Town of Cheektowaga (Streets and Sidewalks) Article V.	1-2
	<u>Meeting No. 15 June 19, 1989</u>	
2.	Amendment to Traffic Ordinance - Art. X "Parking, Standing, Stopping" SOUTH ROYCROFT BLVD., BABBETTE DRIVE	1

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<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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MEETING NO. 14
June 5, 1989

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th day of June, 1989 at 7:30 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; Kevin Schenk, Deputy Town Attorney; Chester Bryan, Town Engineer; Sal LaGreca, Employment and Training Director II; Chairman Planning Commission; Robert M. Lis, Chief of Police; Ron Marten, Building and Plumbing Inspector; Captain John Schaller; Pat Staniaszek, Program Coordinator-Youth Bureau; Ralph Majchrowicz, Director of Administration and Finance; Donald Wegner, Chairman Zoning Board of Appeals; Pat Wojcik, Senior Citizens Coordinator.

I. PUBLIC HEARINGS

Item No. 2a This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 32 of the Code of the Town of Cheektowaga, (Garbage, Rubbish and Refuse) 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:

RESOLVED that Section 32-10, which relates to penalties for violating or failing to comply with the provisions of such ordinance, shall be amended by deleting the words "two hundred fifty dollars (\$250.)" and by substituting therefor the words "one thousand dollars (\$1,000)".

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

Item No. 2b This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 65 of the Code of the Town of Cheektowaga, (Streets & Sidewalks) 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:

RESOLVED, that Article V, Excavations in Right-of-Way, Section 65-29, which relates to fees for permits for excavations on Town property and highways and surety bonds to be filed therefor, shall be amended by:

1. deleting, in the first sentence thereof, the words "fifteen dollars (\$15.)" and by substituting therefor the words "two hundred dollars (\$200.)".
2. deleting, in the second sentence thereof, the words "one thousand dollars (\$1,000.)" and by substituting therefor the words "five thousand (\$5,000.) dollars".

Item No. 2b continued

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

II. FROM THE TABLE

Item No. 3 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga presently has an agreement with the Cheektowaga-Sloan Union Free School District ("School District") for the use of premises known as the Theodore Roosevelt School (the "Property") located at 2495 William Street in the Town for playground and recreational purposes, and

WHEREAS, the Town and the School District wish to terminate the existing agreement and enter into a new agreement for the use of the Property, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to terminate the agreement dated September 8, 1980 with the School District, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the School District for use of the property.

Upon Roll Call....

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

* SEE NEXT 11 PAGES FOR AGREEMENT

THE ABOVE RESOLUTION WAS RESCINDED AT THE AUGUST 7TH MEETING AND THAT RESOLUTION WAS PASSED AND THE AGREEMENT ATTACHED WITH THE AUGUST 7TH RESOLUTION.

MEETING NO. 14
June 5, 1989

Item No. 4 Create Position of Assistant Foreman (Assistant Working Crew Chief) in Facilities. This item was withdrawn.

Item No. 5 Appointment of Working Foreman in Facilities. This item was withdrawn.

III. RESOLUTIONS

Item No. 6a Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated May 4, 1981, the Town Board of the Town of Cheektowaga adopted a Garbage, Rubbish and Refuse Collection Ordinance, (Chapter 32 of the Code of the Town of Cheektowaga), and

WHEREAS, Section 32-9 of such ordinance prohibits the throwing, depositing or burning of garbage and refuse in or upon any public highway, street or other public place, and

WHEREAS, Section 32-10 of such ordinance provides penalties of not more than \$250.00 or 15 days imprisonment for violating such ordinance, and

WHEREAS, this Town Board feels that the monetary penalties should be increased to discourage the illegal dumping of garbage within the Town, and

WHEREAS, in accordance with the provisions of the Town Law of the state of New York, a public hearing was held on the 5th day of June, 1989 at 7:30 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 Garbage, Rubbish and Refuse Collection Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the Garbage, Rubbish and Refuse Collection Ordinance be and hereby is amended and changed as follows:

RESOLVED that Section 32-10, which relates to penalties for violating or failing to comply with the provisions of such ordinance, shall be amended by deleting the words "two hundred fifty dollars (\$250.)" and by substituting therefor the words "one thousand dollars (\$1,000.)."

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 June 5, 1989; 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 Garbage, Rubbish and Refuse Collection 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.

AFFIDAVIT - NEXT PAGE

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

Scott Benson
....., 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..... JUN. 0 8 1989 ;
last publication..... JUN. 0 8 1989 ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 0 8 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 5th day of June, 1989 at 7:30 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

Motion by Councilman Kazukiewicz and Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated May 4, 1981, the Town Board of the Town of Cheektowaga adopted a Garbage, Rubbish, and Refuse Collection Ordinance, (Chapter 32 of the Code of the Town of Cheektowaga), and

WHEREAS, Section 32-9 of such ordinance prohibits the throwing, depositing or burning of garbage and refuse in or upon any public highway, street or other public place, and

WHEREAS, Section 32-10 of such ordinance provides penalties of not more than \$250.00 or 15 days imprisonment for violating such ordinance, and

WHEREAS, this Town Board feels that the monetary penalties should be increased to discourage the illegal dumping of garbage within the Town, and

WHEREAS, in accordance with the provisions of the Town Law of the state of New York, a public hearing was held on the 5th day of June, 1989 at 7:30 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

Garbage, Rubbish and Refuse Collection Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Garbage, Rubbish and Refuse Collection Ordinance be and hereby is amended and changed as follows:

RESOLVED, that Section 32-10, which relates to penalties for violating or failing to comply with the provisions of such ordinance, shall be amended by deleting the words "two hundred fifty dollars (\$250.00)" and by substituting therefor the words "one thousand dollars (\$1,000.00)" 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 June 5, 1989; 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 Garbage, Rubbish and Refuse Collection 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 June 5, 1989, 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 6A, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 5th day of June, 1989.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 8 1989

EVE L. ALLEN
Notary Public
Qualified in Erie County
My Commission Expires

MEETING NO. 14
June 5, 1989

Item No. 6b Motion by Councilman Kulyk Seconded by Supervisor Swiatek

WHEREAS, the Town Board of the Town of Cheektowaga, on the 20th day of September, 1954 adopted an ordinance to require anyone making an excavation upon any Town property or right-of-way of a Town highway to obtain a permit and pay a fee therefor, and

WHEREAS, by resolution dated December 6, 1954, the fee for such excavation permit was established at \$15.00, and

WHEREAS, the Town Highway Superintendent recommended that the fee be increased to \$200.00 to reflect current labor rates and material costs, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 5th day of June, 1989 at 7:30 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 on a proposal to amend Chapter 65 of the Code of the Town of Cheektowaga (Streets and Sidewalks Ordinance); at which hearing all parties in interest and citizens were given an opportunity to be heard and were heard, and

WHEREAS, this Board feels it is in the public interest to amend the Streets and Sidewalks Ordinance, NOW, THEREFORE, BE IT

RESOLVED that the Streets and Sidewalks Ordinance of the Town of Cheektowaga be and hereby is amended and changed as follows:

RESOLVED that Article V, Excavations in Right-of-Way, Section 65-29, which relates to fees for permits for excavations on Town property and highways and surety bonds to be filed therefor, shall be amended by:

1. deleting, in the first sentence thereof, the words "fifteen dollars (\$15.)" and by substituting therefor the words "two hundred dollars (\$200.)"
2. deleting, in the second sentence thereof, the words "one thousand dollars (\$1,000.)" and by substituting therefor the words "five thousand (\$5,000.) dollars".

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 June 5, 1989; 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 Streets and Sidewalks 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.

AFFIDAVIT - NEXT PAGE

Upon Roll Call....

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

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

..... Scott Benson, 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..... JUN 08 1989 ;
last publication..... JUN 08 1989 ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 08 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 5th day of June, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving 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 Supervisor Swiatek

WHEREAS, the Town Board of the Town of Cheektowaga, on the 20th day of September, 1954, adopted an ordinance to require anyone making an excavation upon any Town property or right-of-way of a Town highway to

obtain a permit and pay a fee therefor, and

WHEREAS, by resolution dated December 6, 1954, the fee for such excavation permit was established at \$15.00, and

WHEREAS, the Town Highway Superintendent recommended that the fee be increased to \$200.00 to reflect current labor rates and material costs, and

WHEREAS, in accordance with the provisions of the Town Law of the state of New York, a public hearing was held on the 5th day of June, 1989 at 7:30 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 on a proposal to amend Chapter 65 of the Code of the Town of Cheektowaga (Streets and Sidewalks Ordinance); 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 Streets and Sidewalks Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Streets and Sidewalks Ordinance be and hereby is amended and changed as follows:

RESOLVED, that Article V, Excavations in Right-of-Way, Section 65-29, which relates to fees for permits for excavations on Town property and highways and surety bonds to be filed therefor, shall be amended by:

1. deleting, in the first sentence thereof, the words "fifteen dollars (\$15.00)" and by substituting therefor the words "two hundred dollars (\$200.00)".

2. deleting, in the second sentence thereof, the words "one thousand dollars (\$1,000.00)" and by substituting therefor the words "five thousand dollars (\$5,000.00)".

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 June 5, 1989; 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 Streets and Sidewalks 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 June 5, 1989, 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 6B, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 5th day of June, 1989.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: June 8 1989

CHEEKTOWAGA TIMES 21

NO. 15

NO. 16

EVE J. ALLEN
Hobby Fabric Store
Quilting in Erie County
My commissions are...

MEETING NO. 14
June 5, 1989

Item No. 7a Motion by Councilman Kulyk Seconded by Councilman Cabryszak

WHEREAS, Talco Contracting and Samuel W. Tadio has made application and requested the Rezoning from R-Residential District and CM-General Commercial District and a Special Use Permit for a Mobil Home Park for property located at 4945 Genesee Street, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on June 19, 1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall. corner of Broadway and Union Roads.

AFFIDAVIT - NEXT PAGE

Upon Roll Call....

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

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

Scott Benson

....., 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..... JUN 08 1989 ;
last publication..... JUN 08 1989 ;
and that no more than six days intervned be-
tween publications.

..... Scott Benson

Sworn to before me this JUN 08 1989

day of, 19.....

..... Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

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 on the 19th day of June, 1989 at 7:00 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Samuel Tadio/Talco Contracting for a Special Permit to add 121 mobile homes on property located at 4945 Genesee St. pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak

Councilman Andrew A. Kulyk

Councilman Leo T. Kazukiewicz

Councilman Richard B. Solecki

RICHARD M. MOLESKI

Town Clerk

PARCEL FOR REZONING

ALL THAT PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 75 & 76, Township 11, Range 7, more particularly described as follows:

COMMENCING at the intersection of the south line at Genesee St. (66 R.O.W.) and the west line of Farm Lot 75, thence south along the west line of Farm Lot 75, 500.00 feet to the POINT OF BEGINNING; thence east at right angles to the west line of Farm Lot 76, 297 +/- ft. to a point on the west line of Liber 9560, page 505; thence south along the west line of Liber 9560, Page 505, 1690 +/- feet to the south west corner of Liber 9560, Page 505, also being a point on the north line of Liber 7221, Page 283; thence west along the north line of Liber 7221, page 283, Liber 9409, Page 459, Liber 5784, Page 250, Liber 9627, Page 47 and Liber 7444, Page 408, 860 +/- ft. to a point on the east line of Liber 9419, Page 187; thence north along the east line of Liber 9419, Page 187, 910 +/- ft. to a point; thence east at right angles to the west line of Farm Lot 76 and along the southerly edge of an existing private asphalt road, 485 +/- ft. to a point. Thence northerly along the easterly edge of an existing private asphalt road, 575 +/- ft. to a point; thence east at right angles to the west line of Farm Lot 76, 60 +/- ft. to a point on the west line of Farm Lot 75; thence north along the west line of Farm Lot 75, 190 +/- ft. to the POINT OF BEGINNING.

Containing 22.1 +/- acres.

PUBLISH: June 8, 1989

EVE J. ALLEN
Notary Public, Erie County, New York
Qualified in Erie County
My commission expires March 31, 1991

NO. 12

NO. 16

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

..... Scott Benson, 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 JUN 8 1989 ;
last publication JUN 8 1989 ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this ... JUN .. 8 .. 1989 ..
day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

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 on the 19th day of June, 1989 at 7:00 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Samuel Tadio/Talco Contracting to Rezone from R-Residential District to CM-General Commercial District on property located at 4945 Genesee St. and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

Jr.
Councilman Patricia A. Jaworowicz

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: June 8, 1989

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

WHEREAS, Belmont Shelter Corporation has made application and requested the Rezoning from R-Residential District to RS-Senior Citizen Housing District for property located on William Street (former William Street Orphanage), NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on June 19, 1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall. corner of Broadway and Union Roads.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

..... Scott Benson, 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..... JUN. 0 8 1989 ;
last publication..... JUN. 0 8 1989 ;
and that no more than six days intervned be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 0 8 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

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 on the 19th day of June, 1989 at 7:00 o'clock P.M., Eastern Daylight Savings Time of said day for the purpose of considering the application of Belmont Shelter Corp. to Rezone from R-Residential District to RS-Senior Citizen District on property located at former William St. Orphanage and

amend the Zoning Map and Ordinance accordingly pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

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 23, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows: Beginning at the intersection of the easterly line of Kennedy Avenue (49.5' wide) with the southerly line of Columbus Avenue (60.0' wide), thence easterly along the southerly lines of Columbus Avenue 528' to a point, thence southerly along a line drawn parallel with said easterly line of Kennedy Avenue 380' to a point, thence westerly along a line drawn parallel with the southerly line of Columbus Avenue, 528' to a point in the easterly line of Kennedy Avenue, thence northerly along said easterly line of Kennedy Avenue, 380' to the point of place of beginning.

PUBLISH: June 8, 1989

NO. 12

NO. 16

EVE J. ALLEN
Notary Public
Qualified in Erie County
My Commission Expires 12/31/91

MEETING NO. 14
June 5, 1989

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

WHEREAS, New Era Automotive Inc. and John L. Cretacci has made application and requested a Special Use Permit for used car sales for property located at 3440 Genesee Street, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 3, 1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

..... Scott Benson....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication..... JUN 22 1989..... ;
last publication..... JUN 22 1989..... ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 22 1989.....

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

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 3rd day of JULY, 1989 at 7:00 o'clock P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of JOHN L. CRETACCI/NEWERA AUTOMOTIVE for a Special Permit to operate a auto repair shop & used car sales on property located at 3440 GENESEE STREET pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

Town Clerk

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot No. 18, Township 11, Range 8 of the Holland Land Company's Survey, described as follows: BEGINNING at a point in the northerly line of Genesee Street (100 feet wide) at the distance of 950 feet westwardly from the point of intersection of the said northerly line of Genesee Street with the westerly line of Union Road (100 feet wide); extending thence (1) westwardly along the said northerly line of Genesee Street 150 feet to a point; thence (2) turning an interior angle of 75 degrees 08 minutes 30 seconds parallel with the said westerly line of Union Road northwardly 150 feet to a point in the line of other land of the party of the first part; thence (3) turning an interior angle of 104 degrees 51

minutes 30 seconds parallel with said northerly line of Genesee Street eastwardly 150 feet to a point in the line of other land of said party of the first part; thence (4) turning an interior angle of 75 degrees 08 minutes 30 seconds parallel with the said westerly line of Union Road southwardly 150 feet to the point and place of beginning; the last mentioned course and the first mentioned course forming an interior angle of 104 degrees 51 minutes 30 seconds.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot No. 18, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the northerly line of Genesee Street (100 feet wide), at the distance of 850 feet westwardly from the point of intersection of the said northerly line of Genesee Street with the westerly line of Union Road (100 feet wide); extending thence (1) westwardly along the said northerly line of Genesee Street 100 feet to the easterly line of land now or formerly owned by Metropolitan Life Insurance Company; thence (2) northerly along the easterly line of said Metropolitan Life Insurance Company 150 feet to a point; thence (3) Easterly on a line parallel with the northerly line of Genesee Street 100 feet to a point; and thence (4) Southerly and along a line parallel with the westerly line of Union Road 150 feet to the northerly line of Genesee Street.

EXCEPTING THEREFROM lands conveyed to St. Mary's Court Inc. by Deeds recorded in Liber 5509 of Deeds at Page 309 and in Liber 6288 of Deeds at Page 341.

PUBLISH: June 22, 1989

WY CONSULTATION...
Checked in Erie County
North Erie County
EVE J. ALLEN

MEETING NO. 14
June 5, 1989

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

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 June 19, 1989 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the Cheektowaga Times on the 8th day of June, 1989, 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 June 19, 1989 at 7:30 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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

A. No Parking

- SOUTH ROYCROFT BOULEVARD north and east side from the east curblineline of South Roycroft Blvd. to the north curblineline of Seton Road
- SOUTH ROYCROFT BOULEVARD west side from the south curblineline of Huth Road to the north curblineline of Homesgarth Road

B. No parking anytime

- BABBETTE DRIVE west side from Airport Drive south to the Depew Village Line

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

DATED: June 5, 1989

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.

..... Scott Benson, 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..... JUN 08 1989 ;
last publication..... JUN 08 1989 ;
and that no more than six days intervened be-
tween publications.

..... Scott Benson

Sworn to before me this JUN 08 1989

day of, 19.....

..... Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**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 June 19, 1989 at 7:30 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 X

Parking, Standing and Stopping
Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

A. No parking
SOUTH ROYCROFT BOULEVARD north and east side
from the east curblane of South Roycroft Blvd. to the north curblane of Seton Road

SOUTH ROYCROFT BOULEVARD west side
from the south curblane of Huth Road to the north curblane of Homesgarth Road

B. No parking anytime
BABBETTE DRIVE west side
from Airport Drive south to the Depew Village Line

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: June 8, 1989

WV Commission on Public Safety
Office in Erie County
Notary Public State of New York
EVE J. ALLIÉ

MEETING NO. 14
June 5, 1989

Item No. 8a Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, sealed bids for one (1) 1989 truck chassis for the Sewer Department were received and opened at a public bid opening on May 15, 1989, AND

WHEREAS, said bids were reviewed by the Town Engineer and his recommendations are contained in a letter dated June 1, 1989, NOW, THEREFORE, BE IT

RESOLVED that the bid for one (1) 1989 truck chassis for the Sewer Department be awarded to:

Bison Ford Truck Sales
2370 Walden Avenue
Cheektowaga, New York 14225
684-0010

for submitting the lowest bid, in the amount of \$12,090.00, said bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED that funds have been budgeted for this purpose in Account No. 25-8125-0002-2514.

* SEE NEXT PAGE FOR LETTER

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

June 1, 1989

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Award of Bid
One (1) Truck Chassis
for the Sewer Maintenance Department

Gentlemen:

At a public bid opening on May 15, 1989, bids were received and opened for one (1) 1989 truck chassis for the Sewer Maintenance Department. Three (3) bids were picked up but, only one (1) bid was received as follows:

<u>BIDDER</u>	<u>BASE BID</u>	<u>TRADE-IN VALUE OF OLD CHASSIS</u>
Bison Ford	\$14,090.00	\$2,000.00

These bids were reviewed with Jim Burst, Foreman of the Sewer Maintenance Department and the Town Engineer. It is, therefore, recommended that the bid be awarded to Bison Ford, 2370 Walden Avenue, Cheektowaga, New York 14225, for submitting a total low bid price, less trade-in for \$12,090.00, said bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski
Principal Engineering Asst.

ABB:mjh

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

WHEREAS, bids were received by the Cheektowaga Town Clerk and publicly opened and read on May 31, 1989, for bus transportation to and from Camp Crabapple and Camp JI-~~IK~~-DO-WAH-GAH from July 5, 1989 until August 11, 1989 for the Town of Cheektowaga, and

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

WHEREAS, such analysis, tabulation and report have been completed, NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to the bidder, National School Bus Service, Inc., 2036 Walden Avenue, Cheektowaga, New York 14225, at a total bid price of \$8,499.00; said bidder being the bidder meeting specifications. Monies to be charged to Line Item T & A 894 Line Item No. 01-7310-0004-4691.

Upon Roll Call....

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

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

WHEREAS, there is need to replace sanitary sewer manhole castings and covers utilizing self-sealing covers and vented covers, AND

WHEREAS, funds have been budgeted for such sewer repairs (25-8125-0004-4438), NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of manhole castings with self-sealing covers and manhole castings with vented type covers, notice to be published in the CHEEKTOWAGA TIMES, AND BE IT FURTHER

RESOLVED that sealed bids will be received on the 19th day of June 1989 at 10:00 A.M., Eastern Daylight Savings 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 June 19, 1989 at 10:00 A.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of manhole castings and 24" diameter covers for the Sewer Maintenance Department.

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.

Dated: June 5, 1989

Richard M. Moleski,
Town Clerk

MEETING NO. 14
June 5, 1989

Item No. 9 continued

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.

..... Scott Benson, 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 ^{JUN 0 8 1989} weeks;
first publication..... ;
last publication..... ^{JUN 0 8 1989} ;
and that no more than six days intervned be-
tween publications.

..... *Scott Benson*

Sworn to before me this ^{JUN 0 8 1989}

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE TO BIDDERS**

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 19, 1989 at 10:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the furnishing of manhole castings and 24" diameter covers for the Sewer Maintenance Department.

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

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

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

RICHARD M. MOLESKI
Town Clerk
PUBLISH: June 8, 1989

EVE J. ALI
Notary Public State of New York
Qualified in Erie County
My commission expires March 31, 1991

MEETING NO. 14
June 5, 1989

Item No. 10 Acceptance of Supervisory Agreement between Town and Chief and Assistant Chief of Police. This item was withdrawn.

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

WHEREAS, Michael J. Desiderio has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 13.9 acres of land known as 2911 William Street from RA-Apartment District to CM-General Commercial District for the construction of the Liberty Park Inn and Entertainment Center, pursuant to the State Environmental Quality Review Act, and

WHEREAS, the appropriate governmental agencies (State, County and Town) have been solicited by the Town for lead agency status and their comments, and

WHEREAS, there has been agreement by such agencies that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning this hotel entertainment complex, and

WHEREAS, this Town Board in accordance with Article 8 of the Environmental Conservation Law of the State of New York, feels that the following significant environmental effects relating to this project are present and should be addressed by the applicant in greater detail:

1. substantial potential for adverse changes in traffic levels
2. substantial potential for adverse changes in noise levels
3. substantial potential for adverse effects on drainage
4. substantial adverse impact upon the character of the existing residential areas through intrusion of a commercial use.
5. significant potential for increased air pollution.
6. significant affect caused by height of building.
7. affect on residences caused by outside lighting.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby determines that a Draft Environmental Impact Statement must be prepared and submitted to the Town, based on this Town Board's determination that such hotel entertainment project could have a significant effect on the environment, and BE IT FURTHER

RESOLVED that Michael J. Desiderio be directed to submit a Draft Environmental impact Statement to the Town Environmental Advisory Committee and this Town Board for review, and BE IT FURTHER

RESOLVED that the Town Building Inspector, as Intake Officer for the Town, prepare, file and publish a positive declaration for this project with the appropriate agencies and the applicant and otherwise make same available in accordance with Section 617.10(b) of the SEQR regulations, and BE IT FURTHER

RESOLVED that the Town Building Inspector, as Intake Officer for the Town, notify Michael J. Desiderio and other interested and involved agencies of this requirement.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Kulyk Seconded by Councilman 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

MEETING NO. 14
June 5, 1989

Item No. 12 continued

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 May 19, 1989, rendered the determinations shown on the attached memo dated May 23, 1989, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the May 23, 1989 memo attached hereto:

Item II	385-375 Nagel Drive
Item III	Union Consumer Square (subject to further review concerning the closing off of North Creek Drive

Upon Roll Call....

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

* SEE MEMO NEXT PAGE

RE: EQR - May 19, 1989
May 23, 1989
Page: 4

be addressed. 2931 William Street - resident stated that the character of the area is residential in nature and not commercial; was concerned with the amount of noise that will be generated by 500 or more vehicles as well as the type of business with live bands and disco music; also stated that there will be an increased amount of drivers operating vehicles while intoxicated or impaired and therefore increase the risk of accidents. 765 Cayuga Creek Road - stated the area is residential in nature and not commercial; again cited the potential DWI incidents; questioned whether other sites had been looked at.

ITEM II 385-375 Nagel Dr. - Proposed Additions To
Commercial Businesses

Applicant: Benderson Development Corp.

Determination: Non-Significant With Stipulation
This item had been before the Committee previously and a new site plan was submitted based on comments at the Traffic Safety meeting. The parking at 385 Nagel Drive will be changed to show parking in front of the building and the applicant was told to install a "Fire Lane" sign at the entrance of the easement road on the West of the property.

ITEM III Union Consumer Square - Proposed 220,000 Sq. Ft.
Retail Stores

Applicant: Benderson Development Corp.

Determination: Non-Significant With Stipulations
The applicant submitted a new site plan which showed changes suggested by the Traffic Safety Commission. North Creek Drive will be left open to allow access for emergency vehicles but the applicant was instructed to install signage which would restrict the use by trucks and to include such restriction in the leases. The leaving open of North Creek Drive was considered the lesser of evils since this would keep traffic from the East being funnelled down South Creek which bounds a larger residential area.

MEETING NO. 14
June 5, 1989

Item No. 13 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 Assessors' 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. 14 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Senior Citizen Sesquicentennial Committee donated a 35 foot flag pole to be installed in front of the Senior Center,

BE IT RESOLVED, that the Town of Cheektowaga accepts this donation.

WHEREAS, the Cheektowaga Rotary Club donated \$439.00 to be used toward purchase of a Pool Table in the Senior Citizen Center, to be deposited in the T & A Account.

BE IT RESOLVED, that the Town of Cheektowaga accepts this donation.
Account #06-0892-0100-40

Upon Roll Call....

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

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

WHEREAS, the Town Engineering Department has recommended the removal of debris and silt bars from the center of Ellicott Creek off of Aero Drive in the Town, and

WHEREAS, removal of such debris and silt bars is necessary in order to prevent the flooding of surrounding homes and the road, and

WHEREAS, in order to perform such work, the Town has requested a temporary access easement from Meyer & Meyer, and

WHEREAS, Meyer & Meyer has agreed to grant the Town the necessary temporary access easement and has requested \$200.00 from the Town as consideration for such easement to cover their legal fees for review and preparation of such easement, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts the attached temporary Access Easement from Meyer & Meyer and the Supervisor be and hereby is authorized and directed the execute same and BE IT FURTHER

RESOLVED that this Town Board hereby approves the payment of \$200.00 to Meyer & Meyer for such easement, such moneys to be appropriated from Town budget line item number #01-1440-0004-4191

MEETING NO. 14
June 5, 1989

Item No. 15 continued

Upon Roll Call....

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

* SEE NEXT PAGE FOR EASEMENT

Recorded
Erie County Clerk's Office
June 22, 1989

RECEIVED

1989 JUL 24 AM 9:59

TEMPORARY ACCESS EASEMENT

CHEEKTOWAGA

TOWN CLERK

FOR MUTUAL CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, MEYER & MEYER, a New York General Partnership having an office and place of business at 6375 Genesee Street, Lancaster, New York 14086 ("GRANTOR") hereby grants to the Town of Cheektowaga, a domestic municipal corporation having an office at Town Hall, Broadway and Union Road, Cheektowaga, New York 14227 ("GRANTEE"), the right to enter upon the lands of GRANTOR described below, from Aero Drive, for purposes of removing an island or accumulation of soil presently in the middle of Ellicott Creek, and to place such soil upon GRANTOR'S lands along the northerly bank of Ellicott Creek, in a manner so as not to disturb or remove any existing large trees. The area where the soil is removed to shall be graded and seeded. The GRANTOR'S lands involved with this Temporary Easement are situate in the Towns of Cheektowaga and Amherst in the County of Erie and State of New York, being part of Lot Numbers 6 and 7, Township 11 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Northerly by a line 50' Northerly of the
Northerly bank of Ellicott Creek
Easterly by Macaluso
Southerly by Aero Drive
Westerly by 319 Aero Drive, Inc.
(Reference only: Deed Liber 7019 page 633 and
page 637)

The work proposed to be accomplished and for which this temporary easement is granted is described in the letter of October 11, 1988 from Town of Cheektowaga to New York State Department of Environmental Conservation, a copy of which is attached hereto as Exhibit A, and in the letter dated December 1, 1988 from Town of Cheektowaga to Harry G. Meyer, a copy of which is attached as Exhibit B.

The access rights granted herein shall be for a period not to exceed three weeks and shall, in any event, expire no later than August 31, 1989. Before entering upon GRANTOR'S lands, GRANTEE shall give GRANTOR five (5) day's prior written notice of the date when entry shall first be made, and which date shall be the date upon which the three week period shall commence to run.

GRANTEE shall cause any contractor which it hires to perform the work to furnish GRANTOR a Certificate of Insurance confirming that public liability insurance, written by companies reasonably acceptable to GRANTOR and naming the GRANTOR as an additional insured, with minimum limits of \$500,000 on account of bodily injuries to or death of one person or more than one person

L. 10037

P. 437

as a result of any one accident or disaster, and \$500,000 on account of damage to property are in effect and will remain in effect throughout the period covered by this Easement. GRANTEE shall cause its contractor to furnish such Certificate of Insurance at least 3 days prior to entry upon GRANTOR'S lands.

GRANTOR reserves and retains full use and enjoyment of premises except as limited by the rights herein granted to GRANTEE.

By acceptance of this Easement GRANTEE agrees it shall indemnify and hold the GRANTOR harmless from and against any and all claims (including, without limitation, those arising out of bodily injury, death and property damage, environmental damage or pollution), losses, demands, judgments, suits, costs, damages, liabilities, obligations and expenses (including reasonable attorneys' fees) which GRANTOR may suffer, sustain or be subjected to or which may be made against the GRANTOR caused or arising, directly or indirectly, by the exercise of the rights granted by this Easement, including any injury suffered or claims made by Niagara Frontier Transportation Authority based upon the existing easement described below.

GRANTEE has made such examination of GRANTOR'S title as GRANTEE deems necessary, and accepts this Easement subject to all existing matters of GRANTOR'S title. Without limiting the foregoing, GRANTEE specifically acknowledges that it has been advised that GRANTOR has given an easement to Niagara Frontier Transportation Authority in May, 1987.

The benefits and burdens of this Easement such touch and concern and run with the land, and shall apply to the GRANTOR and the GRANTEE and their respective successors and assigns.

IN WITNESS WHEREOF the Parties have executed this Easement this 24th day of June, 1989.

MEYER & MEYER

By

Albert H. Meyer II
Albert H. Meyer II

TOWN OF CHEEKTOWAGA

By

[Signature]

L. 10037

P. 438

CHESTER L. BRYAN, P.E.
TOWN ENGINEER

October 11, 1988

New York State Department
of Environmental Conservation
Division of Regulatory Affairs
Region 9 Buffalo
600 Delaware Avenue
Buffalo, New York 14202-1073

Attention: Patricia A. Williams

Dear Ms. Williams:

The enclosed sketch shows the approximate shape and position of the debris and silt bars under discussion in Ellicott Creek where they are causing ice to jam and slow down the flow to the point of threatening to flood the surrounding home sites and road. Their removal is necessary but should be accomplished during the usually drier summer season when the "S" marked shallow to bedrock areas are either shallow in water or exposed.

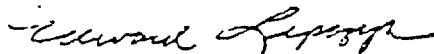
Lacking an area along Aero Drive where the spoil could be spread and seeded and also having no suitable access for the removal of the material in a feasible manner in that direction, it would logically appear that the material should be spread in a thin layer on the northerly side in open areas between existing trees and then seeded to a shade tolerant grass mixture.

This would be accomplished by gaining ingress to the silt bars by a bulldozer in the vicinity of the NFTA ditch outlet and starting at the downstream end, move the material partially across the creek to the area of the "X" marks. Then by diverting the flow to the southerly side of the creek bed, the spoil would be moved across the rest of the way starting at the lower end with little or no silt introduced to the stream flow.

The material could then be spread and seeded to a good grass cover leaving no exposed soil as there is now in the creek bed.

Very truly yours,

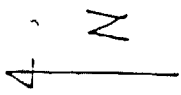
TOWN OF CHEEKTOWAGA



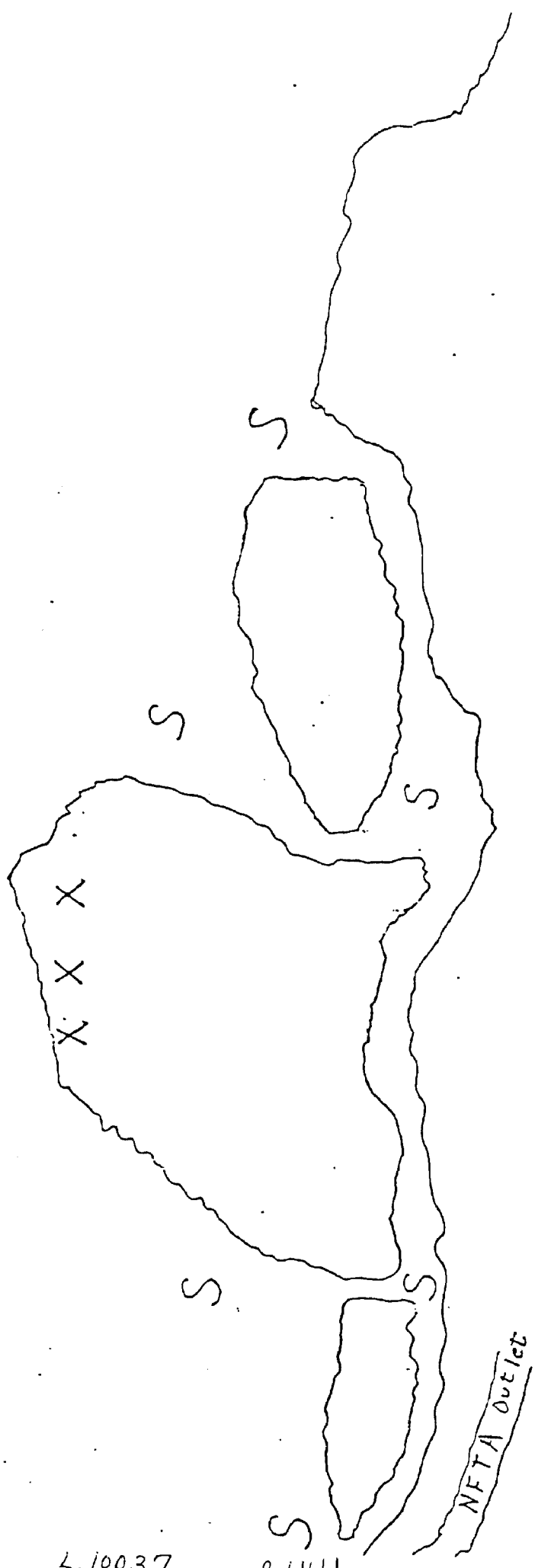
Edward Lepczyk
Senior Engineer Assistant

EL:mjh

enc.



ELLCOTT CREEK



L.10037

P.441

NETA Outlet

Acro Drive

CL. 01

01. 01

CHESTER L. BRYAN, P.E.
TOWN ENGINEER



December 1, 1988

Hodgson, Russ, Andrews,
Woods & Goodyear
1800 One M & T Plaza
Buffalo, New York 14203

ATTN: Mr. Harry Meyer

Dear Mr. Meyer:

This letter is in response to our phone conversation of November 30, 1988. The Town of Cheektowaga wishes to remove an island created in the middle of Ellicott Creek. This area of Ellicott Creek is located just east of the War of 1812 Cemetery on Aero Drive. It is the Town's intent to use a dozer and place the material along the north bank of the creek owned by your dad. The material would be placed in a manner, graded and seeded, so as not to disturb or remove any existing large trees.

I am enclosing a copy of the application that has been filed with the Department of Environmental Conservation. Upon your written permission and the final acceptance by the D.E.C., the Town would proceed with this work during July or August of the coming year. I would anticipate that the work could be completed within one (1) working week.

If you have any further questions, please call me during regular working hours at the office. Thank you for your anticipated cooperation.

Sincerely yours,

TOWN OF CHEEKTOWAGA



Edward Lepczyk
Sr. Engineer Assistant

EL:dms

MEETING NO. 14
June 5, 1989

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

WHEREAS, developers are required to install water mains within the right-of-way of new subdivisions, AND

WHEREAS, hydrants must be installed within the New Erie Industrial Park prior to acceptance of the water main extension by the Erie County Water Authority as part of their water distribution system, NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to New Erie Industrial Center, Inc., developer of the New Erie Industrial Park, to install two (2) hydrants at the locations approved by the Chief of Forks Fire District No. 3, Dennis Gibbs, described as follows:

- 1) West side of the yet unnamed highway at Sta 6+00
- 2) West side of the yet unnamed highway at Sta 11+00

AND, BE IT FURTHER

RESOLVED that all costs associated with furnishing and installing the subject hydrants is to be borne by the developer, New Erie Industrial Center, Inc., 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 through the Hydrant District Account No. 63-8353-0004-4339.

Upon Roll Call....

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

Item No. 16b Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, Mr. Charles Moore of Scaffidi & Moore Architects, P.C. has advised the Facilities and Recreation Committee that the Alexander Community Center chimney is in need of emergency repairs due to a lightning strike AND

WHEREAS, J. H. Ebert Company, Inc. has submitted a proposal to furnish labor, materials, equipment and insurance to demolish the reinforced concrete cap and 20' high section of the chimney column, assume any roofing repairs due to falling brick and form and pour a 4" high reinforced concrete cap, NOW, THEREFORE, BE IT

RESOLVED that J. H. Ebert Co., Inc., 350 George Urban Boulevard, Cheektowaga, New York 14225 is hereby authorized to proceed with emergency repairs to the Alexander Community Center chimney at a cost not to exceed \$7,480.00, and BE IT FURTHER

RESOLVED that funds for said action are available from Capital Improvements Account #05-1625-8811-1101.

Upon Roll Call....

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

Item No. 16c Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Town of Cheektowaga Recreation Department, as part of its 1989 summer program, desires to use the Maryvale High School to offer gymnastics, weight lifting and other recreational activities to residents of the Town, and

WHEREAS, prior to authorizing the Town to use the Maryvale High

MEETING NO. 14
June 5, 1989

Item No. 16c continued

School this year, the Cheektowaga-Maryvale School District has requested that the Town of Cheektowaga indemnify and hold harmless the School District for any damages, lawsuits, etc. which arise as a result of the Town's use of such school property, and

WHEREAS, this Town Board feels that the request of the Cheektowaga-Maryvale School District is reasonable and desires to accede to such request, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby agrees to defend indemnity and hold harmless the Cheektowaga-Maryvale School District, its officers, agents and employees from all claims, demands, suits, and judgments for bodily injury or property damage arising out of the Town's use of the Maryvale High School facilities for its 1989 summer recreation programs.

Upon Roll Call....

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

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

WHEREAS, the Cheektowaga Department of Senior Services and the Cheektowaga Youth Bureau is in need of a wheelchair van to supplement their programming for the disabled residents of the Town of Cheektowaga,

WHEREAS, the cost of a 15 passenger van and installation of two wheelchair lifts is \$19,400.00,

THEREFORE, BE IT RESOLVED, that the Town of Cheektowaga authorize purchase of such van and,

BE IT FURTHER RESOLVED, the Town of Cheektowaga accept the following donations for purchase of such van:

- \$9,201.00 Payment to Mid-City Dodge by the Cheektowaga Rotary Club
- \$3,200.00 Payment to TW Equippers for the installation of two wheelchair lifts by the Cheektowaga Rotary Club.
- \$1,000.00 Gift from Cayuga Village Associates to be deposited in the Trust and Agency Account #060892

BE IT FURTHER RESOLVED, the Town of Cheektowaga provide funding for the remaining balance by transferring \$4,999.00 from the General Fund Contingency Account #01-1910-0004-4711 and \$2,000.00 from Trust & Agency Account #060892 to General Fund Account #01-7620-0002-2307.

* * * * *

MOTION BY COUNCILMAN GABRYSZAK AND 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

Item No. 16d continued

AMENDED

Motion by Councilman Gabryszak seconded by Councilman Johnson

WHEREAS, the Cheektowaga Department of Senior Services and the Cheektowaga Youth Bureau is in need of a wheelchair van to supplement their programming for the disabled residents of the Town of Cheektowaga,

WHEREAS, the cost of a 15 passenger van and installation of two wheelchair lifts is \$19,400.00,

THEREFORE, BE IT RESOLVED, that the Town of Cheektowaga authorize purchase of such van and,

BE IT FURTHER RESOLVED, the Town of Cheektowaga accept the following donations for purchase of such van:

\$9,201.00 Payment to Mid-City Dodge by the Cheektowaga Rotary Club

\$3,200.00 Payment to TW Equippers for the installation of two wheelchair lifts by the Cheektowaga Rotary Club.

\$1,000.00 Gift from Cayuga Village Associates to be deposited in the Trust and Agency Account #060892

BE IT FURTHER RESOLVED, the Town of Cheektowaga provide funding for the remaining balance by transferring \$6,999.00 from the General Fund Contingency Account #01-1910-0004-4711 to Account #01-7620-0002-2307 and \$2,000.00 from Trust & Agency Account #06-0892-0000-0000 to General Fund Account #01-2755-0000-0000.

Upon Roll Call....

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

Item No. 16e Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Youth Engaged in Service (Y.E.S.) Program has requested permission to conduct an overnight on June 24th and 25th, 1989 at John C. Stiglmeier Park Community Center, and

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

RESOLVED that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, said waiver extended to the Cheektowaga Youth Engaged in Service (Y.E.S.) Program for the use of John C. Stiglmeier Park Community Center on June 24th and 25th, 1989, and BE IT FURTHER

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

Upon Roll Call....

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

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

WHEREAS, the Cheektowaga Youth Bureau has been selected as a grant

MEETING NO. 14
June 5, 1989

Item No. 17a continued

recipient by the New York State Office of Parks, Recreation and Historic Preservation to conduct the New York State Conservation Corps (NYSCC) Program for the summer of 1989, and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has agreed to pay an amount of \$22,639.00 towards the total cost of the project, BE IT

RESOLVED that the Supervisor is authorized to sign the agreement between the Town of Cheektowaga and the New York State Office of Parks, Recreation and Historic Preservation.

Upon Roll Call....

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

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

WHEREAS, the Town is planning to make drainage improvements along the U-Crest Drainage Ditch in the Town, and

WHEREAS, in order to complete such work it is necessary for the Town to obtain drainage easements from three property owners along U-Crest Ditch, and

WHEREAS, Maryvale East Associates, Benderson Development Company, Inc. and the Cheektowaga Maryvale Union Free School District have agreed to grant easements to the Town, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby accepts drainage easements from the aforementioned property owners, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the easement agreement with the Cheektowaga Maryvale Union Free School District, and BE IT FURTHER

RESOLVED that the Town Attorney be and hereby is directed to record such easements in the Erie County Clerk's Office

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 Supervisor Swiatek

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special traffic options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1989 and terminates December 31, 1989 with the

Item No. 17c continued

the County of Erie concerning its STOP-DWI program, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute six (6) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

Upon Roll Call....

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

* SEE NEXT PAGE FOR AGREEMENT

T/V LE/CT
1989 STOP DWI

THIS AGREEMENT, made and entered into as of the 1st day of January, 1989, by and between the COUNTY OF ERIE, a municipal corporation of the State of New York, with offices at 95 Franklin Street, Buffalo, New York, hereinafter referred to as the COUNTY, party of the first part, and the TOWN/VILLAGE OF CHEEKTOWAGA a municipal corporation of the State of New York in Erie County, with offices at BROADWAY & UNION ROADS,

Cheektowaga, New York, hereinafter referred to as the MUNICIPALITY, party of the second part,

W I T N E S S E T H :

WHEREAS, the COUNTY, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP - DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, the MUNICIPALITY, through its police agency, has made formal application to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities in Erie County during the period from January 1, 1989 to December 31, 1989,

which application is attached hereto and made a part hereof as Appendix "A", and

WHEREAS, a Justice Court has been established in and for the MUNICIPALITY with jurisdiction to hear and determine cases involving alleged violations of §1192, §511(2)(a)(i) and (iii) and §511(3) of the Vehicle and Traffic Law.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES:

FIRST: The term of this Agreement shall be the COUNTY's fiscal year commencing January 1, 1989 and ending December 31, 1989. The said term shall be divided into the following quarterly periods:

January 1 to March 31;
April 1 to June 30;
July 1 to September 30; and
October 1 to December 31.

SECOND: During the term of this Agreement, the MUNICIPALITY, as an independent contractor, agrees to engage in the alcohol traffic safety law enforcement activities set forth in the annexed Appendix "A".

THIRD:

A. For purposes of this paragraph:

(i) "DWI case" shall mean a criminal action commenced in any court within Erie County wherein a person is charged with

a violation of §1192, §511(2)(a)(i) and (iii) or §511(3) of the Vehicle and Traffic Law;

- (ii) "net STOP-DWI collections" shall mean the amount of fines, penalties and forfeitures collected by any court, judge, magistrate or other judicial officer within Erie County from violations of §1192, §511(2)(a)(i) and (iii) or §511(3) of the Vehicle and Traffic Law after deducting therefrom the amount of refunds made by reason of judicial mandate (e.g., appellate reversal of conviction, reduction of fine, etc.) or pursuant to former Section 521(c) of the Vehicle and Traffic Law (e.g., upon successful completion of an alcohol and drug rehabilitation program).

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, subject to the provisions of paragraph FOURTH (C) hereof, a sum not to exceed the lesser of either:

- (i) the MUNICIPALITY's actual expenses, as

certified by the MUNICIPALITY upon forms acceptable to the COUNTY, in carrying out, during such quarterly period, the alcohol traffic safety law enforcement activities set forth in Appendix "A"; or

(ii) sixty-five percent (65%) of the net STOP-DWI collections actually paid over and received by the COUNTY during such quarterly period, provided that such collections have resulted from convictions obtained in DWI cases commenced by the MUNICIPALITY's police agency.

C. Where in any quarterly period, the MUNICIPALITY's actual expenses, as certified in (i) above, exceed sixty-five percent (65%) of the amount of net STOP-DWI collections attributable to the MUNICIPALITY's alcohol traffic safety law enforcement activities, as calculated pursuant to (ii) above, such excess amount shall be added to the MUNICIPALITY's certified actual expenses in the next succeeding quarterly period for purposes of determining the sum payable to the MUNICIPALITY Under this paragraph.

FOURTH:

A. For purposes of this paragraph:

(i) "DWI case" shall mean a criminal action

commenced in any court within Erie County wherein a person is charged with a violation, or multiple violations involving the same person and arising out of the same incident, of §1192, §511(2)(a)(i) and (iii) or §511(3) of the Vehicle and Traffic Law;

(ii) "finally disposed of" and "final disposition" shall mean the termination of a DWI case at the trial court level by reason of a dismissal, acquittal or conviction and imposition of sentence by the trial court, but shall not include the removal or transfer of a DWI case to another court.

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, for the services of the MUNICIPALITY's Justice Court, the sum of TEN DOLLARS (\$10.00) for each DWI case finally disposed of in such court during such quarterly period which was commenced by either the Erie County Sheriff's Department or the New York State Police. The said sum shall be payable by the COUNTY for each such DWI case regardless of the final disposition thereof.

C. The MUNICIPALITY agrees that the COUNTY, on behalf of the MUNICIPALITY, shall allocate and pay out, from the sums payable quarterly to the MUNICIPALITY under paragraph THIRD(B) hereof, the sum of TEN DOLLARS (\$10.00) for each DWI case commenced by the MUNICIPALITY's police agency which was finally disposed of during the corresponding quarterly period. The said sum shall be paid by the COUNTY to the town or village in whose Justice Court the DWI case was finally disposed of and shall be payable regardless of the final disposition thereof.

FIFTH:

A. The MUNICIPALITY, through its police agency, agrees to compile information and render monthly reports to the Erie County Office of Criminal Justice Planning with respect to:

- (i) the MUNICIPALITY's actual expenses in carrying out the alcohol traffic safety law enforcement activities set forth in Appendix "A". A sample copy of the STOP-DWI Monthly Fiscal Cost Report form is annexed hereto as Appendix "B";
- (ii) all alcohol-related traffic accidents investigated by the MUNICIPALITY's police agency (including copies of MV-104A forms prepared in connection

therewith). A sample copy of the STOP-DWI Monthly Accident Report form is annexed hereto as Appendix "C"; and (iii) all DWI cases [cases involving alleged violation(s) of §1192, §511(2)(a)(i) or 511(3) of the Vehicle and Traffic Law] commenced by the MUNICIPALITY's police agency in any court in Erie County. A sample copy of the STOP-DWI Monthly Arrest Report form is annexed hereto as Appendix "D".

B. The MUNICIPALITY, through its Justice Court with jurisdiction to hear and determine DWI cases, agrees to compile information and render monthly reports to the Erie County Office of Criminal Justice Planning with respect to all DWI cases finally disposed of [as those terms are defined in paragraph FOURTH (A)(i) and (ii), but including cases removed or transferred] in the MUNICIPALITY's Justice Court. A sample copy of the STOP-DWI Monthly Court Report form is annexed hereto as Appendix "E".

C. The MUNICIPALITY acknowledges that the determination by the COUNTY of the amounts payable to the MUNICIPALITY under paragraphs THIRD and FOURTH of this Agreement is dependent upon the timely receipt by the Erie County Office of Criminal Justice Planning of accurate

information from the MUNICIPALITY. Accordingly, the MUNICIPALITY agrees that, as a condition precedent to its right to payment under this Agreement, it shall fully complete and forward to the Erie County Office of Criminal Justice Planning each of the monthly reports required under this paragraph (Appendices "B", "C", "D" and "E"; together with MV-104A copies) within 15 days after the last day of each monthly period to which such reports relate.

SIXTH: This Agreement is executory only to the extent of moneys available to the COUNTY for the performance hereof and appropriated therefor, being moneys in a separate account entitled "Special Traffic Options Program for Driving While Intoxicated" established and funded pursuant to Sections 1678-a and 1803 of the Vehicle and Traffic Law, and the COUNTY shall incur no liability on account of this Agreement beyond such moneys.

SEVENTH: In the event the Erie County STOP - DWI Program, as approved by the Commissioner of the New York State Department of Motor Vehicles, is to be terminated during the term of this Agreement, the provisions of Section 1678-i of the Vehicle and Traffic Law shall govern for purposes of determining the sums available to the COUNTY and payable to the MUNICIPALITY pursuant to this Agreement.

EIGHTH: The MUNICIPALITY shall not assign, transfer, convey, sublet or otherwise dispose of this Agreement or of any right, title or interest therein, nor of the power to execute the same or any extension thereof to any other person or corporation without the previous consent in writing of the COUNTY.

NINTH: The MUNICIPALITY agrees to comply with all applicable laws of the State of New York, the United States and the County of Erie, including laws against discrimination, and with all rules and regulations of pertinent authorities having jurisdiction.

TENTH: The MUNICIPALITY shall be fully accountable for its performance under this Agreement and agrees for itself and its officers to answer under oath all questions relevant to the performance thereof and to any transaction, act or omission in connection therewith if called before any Judicial, County, State or Federal agency empowered to investigate the Agreement or its performance.

ELEVENTH: The MUNICIPALITY agrees to furnish verified accounts of its disbursements hereunder, with certified or verified invoices thereto attached at such times and in such form and detail as may be required by the Erie County Comptroller, who may at her option audit the pertinent books and records of the MUNICIPALITY, and a final

account within thirty (30) days after the termination of this Agreement.

TWELFTH: The MUNICIPALITY agrees to defend, hold harmless and indemnify the COUNTY against any and all liability, claims, demands, suits and judgments arising out of the performance of the MUNICIPALITY'S obligations under this Agreement. The MUNICIPALITY further agrees to maintain insurance coverage during the term of this Agreement and to submit certificates of insurance in accordance with Vendor Classification C-"Professional Services", on Appendix "F" annexed hereto. For purposes of this Agreement, the MUNICIPALITY need not provide proof of professional liability insurance coverage. At the request of the MUNICIPALITY and with the advice of the Erie County Attorney, the Director of the Erie County Office of Criminal Justice Planning may waive the excess and/or umbrella liability insurance coverage(s), or reduce the amount(s) thereof, otherwise required under this paragraph. In lieu of proof of insurance coverage, the MUNICIPALITY may furnish evidence of a self-insurance plan acceptable to the Erie County Attorney.

THIRTEENTH: Consistent with the MUNICIPALITY'S status as an independent contractor, the COUNTY shall not be responsible for Worker's Compensation benefits, Social Security coverage or unemployment insurance benefits with respect to the MUNICIPALITY.

FOURTEENTH: This Agreement, or any renewal thereof, may be terminated by either party upon at least thirty (30) days prior notice. Such notice shall be provided in writing to the chief executive officer of the other party at the address appearing on the first page of this Agreement.

FIFTEENTH: Provided that the MUNICIPALITY shall have made formal application for the continued funding of its alcohol traffic safety law enforcement activities, this Agreement may be renewed for such additional twelve (12) month terms as may be mutually agreed upon by the parties through their respective legislative bodies.

This Agreement is executed by the COUNTY pursuant to a resolution adopted by the Legislature of the County of Erie at its meeting held on December 20, 1988, and by the MUNICIPALITY pursuant to a resolution of its governing body adopted at a meeting of said governing body held on June 5, 1989, a certified copy of the MUNICIPALITY's resolution being annexed hereto as Appendix "G".

TOWN/VILLAGE CHEEKTOWAGA

COUNTY OF ERIE

By: Frank E. Swiatek
(name) Frank E. Swiatek
(title) Supervisor

By: Dennis T. Gorski
DENNIS T. GORSKI
Erie County Executive

APPROVED AS TO CONTENT

M. Margaret O'Donnell
M. MARGARET O'DONNELL
Director, Criminal Justice
Planning

Doc. No. 90-274-JP
Approved as to Form
Erie County Attorney

FEB 28 1990

James L. Tuppen
Assistant County Attorney
JAMES L. TUPPEN

ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 15th day of March, ~~1989~~, 1990,

before me personally came DENNIS T. GORSKI, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, County of Erie and State of New York; that he is the County Executive of the COUNTY OF ERIE, the corporation described in, and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal and was so affixed by order of the Erie County Legislature and that he signed his name thereto by like order.



Notary Public

Salvatore P. Asprate
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 7/31, 1990

ACKNOWLEDGMENT

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On this 5th day of June, 1989,
before me personally came FRANK E. SWIATEK,
to me personally known, who, being by me duly sworn, did
depose and say that he resides in the Town/Village of
CHEEKTOWAGA, County of Erie and State of
New York; that he is the SUPERVISOR of the
Town/Village of CHEEKTOWAGA,
the corporation described in, and which executed the within
instrument; that he knows the seal of said corporation; that
the seal affixed to said instrument is such corporate seal
and was so affixed by order of the governing body thereof
and that he signed his name thereto by like order.

Kevin G. Schenk
Notary Public


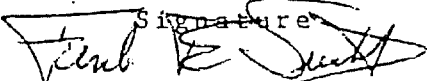
KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1991

APPENDIX A

Special Traffic Options Program for Driving While Intoxicated S.T.O.P.-DWI		County of Erie S.T.O.P.-DWI FORM SD-1	
PART I (To be completed by applicant)			
1. Project Title Arrest Intoxicated Drivers (AID - DWI - 1989)		Project Number (Entered by Erie County)	
2. Project Description (See Part II)	3. Type of Application Initial Revision X Continuation		4. Program Area X Law Enforcement Adjudication X Education Rehabilitation Other
5. Applicant Agency (Name & Address) Town of Cheektowaga Police Dept. 3223 Union Rd. Cheektowaga, NY 14227		6. Governmental Unit X Township City Village Department Agency Other _____	
7. Project Coordinator (Name, Title, Address, Telephone No.) Bruce D. Chamberlin Chief of Police 3223 Union Rd. Cheektowaga, NY 14227 (716) 686-3500		8. Total Cost of Project to County \$ 214,852.17	

9. Fiscal Agent (Name, Title & Address of official authorized under law to receive payment of STOP-DWI funds on behalf of applicant agency/jurisdiction).
 Frank E. Swiatek
 Town Supervisor
 Broadway & Union Rds.
 Cheektowaga, NY 14227

10. AUTHORIZING SIGNATURES

<p>A. Project Coordinator</p> <p>Bruce D. Chamberlin</p>	<p>Title</p>	<p>Signature</p>  <p>Chief of Police</p>
<p>B. For Governmental Unit or Agency</p> <p>Frank E. Swiatek</p>	<p>Title</p>	<p>Signature</p>  <p>Town Supervisor</p>

COUNTY OF ERIE
S.T.O.P. DWI
PROJECT BUDGET

PROJECT DURATION 12 MONS.
FROM 1/1/89 TO 12/31/89

BUDGET ITEMS

S.T.O.P. DWI,
FUNDS

A. PERSONNEL

1 POLICE OFFICER PER DAY PER WEEK FOR 52 WEEKS 52 WEEKS = 2912 HRS @ \$16.141 HR.	\$47,002.59
1 POLICE SERGEANT 4 HOURS PER WEEK 52 WEEKS = 208 HOURS @ \$17.531 HR.	\$3,646.45
1 CLERK 8 HRS PER WEEK FOR 52 WEEKS 416 HRS @ \$9.053 HR.	\$3,766.05
OVERTIME FOR FOLLOW UP INVESTIGATIONS 25 HRS PER MONTH = 300 HRS @ \$24.212 HR.	\$7,263.60
COMMUNITY SERVICE 25 HRS PER MONTH 300 HRS PER MONTH @ \$16.141 HR.	\$4,842.30
TRAINING FOR OFFICERS 500 HRS @ \$16.141	\$8,070.50
COURT TIME PAID 2 APPEARANCES PER ARREST (6 HRS)	\$58,107.60

SUB TOTAL \$132,699.09

BUDGET ITEMS**S.T.O.P. DWI
FUNDS****B. FRINGE BENEFITS**

POLICE OFFICERS HOURS WORKED @ 60%	\$28,201.56
POLICE SERGEANT HOURS WORKED @ 60%	\$2,187.87
CLERK HOURS WORKED @ 60%	\$2,259.63
POLICE OFFICERS OVERTIME @ 60%	\$4,358.16
COMMUNITY SERVICE HOURS @ 60%	\$2,905.38
COURT HOURS @ 60%	\$34,864.56
TRAINING HOURS @ 60%	\$4,842.30

SUB-TOTAL \$79,619.46

C. CONSULTANT FEES**D. EQUIPMENT****CALIBRATIONS**

RADAR UNITS 5 UNIT @ 6 MONTHS	\$250.00
BREATHALYZERS 2UNITS @ 6 MONTHS	\$100.00
ALCO SENSOR II 4 UNITS @ 6 MONTHS	\$200.00

REPAIRS

RADAR UNITS 4 PER UNIT PER YR.	\$500.00
BREATHALYZERS 1 PER UNIT PER YR.	\$50.00
SIMULATORS 1 PER UNIT PER YR.	\$50.00
ALCO SENSOR II 1 PER UNIT PER YR.	\$100.00

SUB TOTAL \$1,250.00

E. SUPPLIES

AMPOULES	176.7
ALCO SENSOR TUBES	40.92
BLOOD URINE TEST KITS 2 PER MONTH	\$66.00

SUB TOTAL \$283.62

BUDGET ITEMS

S.T.O.P. DWI
FUNDS

F. TRAVEL & SUBSISTENCE

LUNCHES WHILE TRAINING	\$200.00
PARKING @ DMV, GRAND JURY ETC.	\$200.00
MILEAGE	\$200.00

SUB TOTAL \$600.00

G. RENTAL OF FACILITIES

SUB TOTAL 0

H. ALTERATIONS 7 RENOVATIONS

SUB TOTAL 0

I. ALL OTHER EXPENSES

TRAINING SUPPLIES	\$200.00
COMMUNITY SERVICE SUPPLIES	\$200.00

SUB TOTAL \$400.00

GRAND TOTAL \$214,852.17

ERIE COUNTY

S.T.O.P. DWI

PROGRAM APPLICATION

1. PROBLEMS IDENTIFICATION AND ANALYSIS

The Cheektowaga Police Department is aware of the numerous drivers who drive their vehicles ,after consuming alcoholic beverages to the point where their reflexes and time reactions have been impaired. Alcohol was one of the major factors of the 1217 reported accidents occurring in the Town of Cheektowaga during 1988.

Some officers are reluctant to make D.W.I. Arrests because such arrests are time consuming, involve many court appearances, dissatisfaction with court dispositions and in some cases the needed additional training in D.W.I. arrest procedures, equipment and testifying.

2. PROGRAM GOALS AND OBJECTIVES

Although our Department has arrested 545 persons for D.W.I. in 1988 this is only a small percentage of the violators on our public highways. In an effort to reduce D.W.I. violations, there are several avenues of approach: Education, Public Awareness, and Apprehension of violators. The approach that will have the largest impact and provide immediate results is the apprehension of violators. We intend to increase our D.W.I. conviction rate by 10%.

3. PROGRAM DESCRIPTION

The Cheektowaga Police Department has an up-to-date records system that keeps us informed as to where and when our accidents are occurring. It also informs us as to where the D.W.I. arrests are occurring and which officers are making the arrests. From this information we have decided to assign one (1) Traffic Unit officer each evening, seven (7) days a week, from 9 P.M. (2100 Hours) until 11 P.M. (2300 Hours) and one (1) Traffic Unit officers from 11 P.M. (2300 Hours) to 5 A.M. (0500 Hours) to apprehend intoxicated drivers. The officers assigned are to concentrate on drivers who are impaired/intoxicated by alcohol/drugs. This will be in addition to the normal traffic enforcement of this department.

The Traffic Unit officers will receive training in alcohol/drug recognition and other related traffic enforcement areas. This training will be updated periodically. In addition they will provide instruction, demonstrations and participate in numerous service programs for community groups and organizations.

The ability of this department to dedicate the manpower and other resources to such a concentrated effort is dependant on the receipt of the available S.T.O.P DWI funding for each participating agency.

MEN:men

Submit in Duplicate to:

Erie County Office of
Criminal Justice Planning
134 West Eagle St.
Buffalo, N.Y. 14202

STOP DWI FISCAL COST REPORT

- 1.) Claimant _____
- 2.) Report # _____
- 3.) Report period month _____ yr _____
- 4.) Date _____
- 5.) Type: Monthly _____ Final _____

CATEGORY	MONTHLY EXPENDITURES	CUMULATIVE EXPENDITURES
Personnel		
Fringe Benefits		
Equipment		
Supplies		
Travel		
All Other		
Court		
TOTAL		

**FOR CRIMINAL JUSTICE
Use Only**

Disposition of Report

Approved _____

Disapproved _____

Reimbursement to Claimant

Monthly _____

Quarterly _____

Cumulative _____

Reviewed By _____

Approved By _____

I hereby certify that this report, schedules, statements, and the expenses for which payment is requested are true, current and complete and were made in accordance with State and County rules and regulations governing STOP - DWI expenditures and that the Articles listed were (or will be) necessary solely for the STOP - DWI Program.

FOR CLAIMANT _____
Signature Date

Print _____
Title

FISCAL OFFICER _____
Signature Date

Print _____
Title

Invoice Attached

Yes _____

No _____

Back Up Material Attached

Yes _____

No _____

STOP - DWI
**SCHEDULE I
 PERSONNEL COSTS**

Reporting Agency _____

Report Month of _____

EMPLOYEE LAST NAME	SOCIAL SECURITY NUMBER (Last 4 digits)	EMPLOYEE TITLE	ANNUAL SALARY	MONTHLY REG. HRS. WORKED STOP-DWI	A			B		CUMULATIVE SALARY (A + B)
					REGULAR HOURLY RATE	REGULAR STOP-DWI SALARY	MONTHLY OVERTIME HRS. WORKED STOP - DWI	OVERTIME HOURLY RATE	OVERTIME SALARY STOP-DWI	

Prepared by _____ Approved by _____

Total Salary _____
 Fringe Benefits _____
Personnel _____

APPENDIX B

SCHEDULE II - EXPENSE OTHER

STOP DWI

TITLE: _____

FOR MONTH OF _____

STOP DWI
MONTHLY ACCIDENT REPORT

REPORTING AGENCY				#CASUALTIES: INJURIES FATALITIES								REPORTING PERIOD		
ACCIDENT:				MOTOR VEHICLE:								_____ TO _____		
												BAC OF DRIVER ¹ INVOLVED		LOCATION OF ACCIDENT ²
#	DATE	TIME	AM	PM	DRIVER		PASS'GR		PED'STN		OTHER (CYCL., ETC.)			
					INJ.	FAT.	INJ.	FAT.	INJ.	FAT.	INJ.	FAT.		
1			___	___										
2			___	___										
3			___	___										
4			___	___										
5			___	___										
6			___	___										
7			___	___										
8			___	___										
9			___	___										
10			___	___										
11			___	___										
12			___	___										
13			___	___										
14			___	___										
15			___	___										
16			___	___										
17			___	___										
18			___	___										
19			___	___										
20			___	___										

¹ BLOOD ALCOHOL CONTENT

² BE AS SPECIFIC AS POSSIBLE!

LOCATE ACCIDENT RELATIVE TO ADJACENT HOME OR BUSINESS ADDRESS AND/OR NEARBY INTERSECTION

STOP-DWI Monthly Arrest Report

APPENDIX D

TO

County

Reporting Agency

Reporting Period

1. Total Number of Persons Charged with a Moving Traffic Violation

2. Total Number of Persons Arrested for DWAI, DWI, or BAC \geq .10 (section 1192) Violations

3. Total Number of Persons Arrested for Section 1192 Violations by Age

a) Under 18	
b) 18	
c) 19	
d) 20	
e) 21-24	
f) 25-29	
g) 30-39	
h) 40-49	
i) 50-59	
j) 60-64	
k) Over 64	

5. Total Number of Persons Arrested for Section 1192 Violations by Sex

a) Male	
b) Female	

6. Total Number of Persons Arrested for Section 1192 Violations by Time Intervals

a) 6:01a.m. to 6:00p.m.	
b) 6:01p.m. to 9:00p.m.	
c) 9:01p.m. to 12:00p.m.	
d) 12:01p.m. to 3:00a.m.	
e) 3:01a.m. to 6:00a.m.	

4. Total Number of Persons Arrested for Section 1192 Violations by BAC Level

a) No Test Offered	
b) Test Refused	
c) .00 to .05	
d) .051 to .07	
e) .071 to .099	
f) .10 to .149	
g) .15 to .199	
h) .20 or Greater	

7. Total Number of Persons Arrested for Section 1192 Violations by Day

a) Sunday	
b) Monday	
c) Tuesday	
d) Wednesday	
e) Thursday	
f) Friday	
g) Saturday	

**APPENDIX F
County of Erie Standard Insurance Certificate**



This certificate does not amend, extend or alter the coverage afforded by the standard from policies listed below.

TOWN OF CHEEKTOWAGA Broadway & Union Road Cheektowaga, NY 14227 Name: JOSEPH J. NAPLES & ASSOCIATES, INC. Address: 490 Delaware Avenue Zip: Buffalo, NY 14202 (716)882-6909 Phone No.	RI Companies Affording Coverages A UNITED STATES FIDELITY & GUARANTY B C D
---	--

This is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

Type of Insurance By Checking the Box	Policy Number	Expiration Date	Limits of Liability in Thousands		
			Check The Box	Each Occurrence	Aggregate
1. General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises and Operations <input type="checkbox"/> Products/Completed Operations <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Contractual <input type="checkbox"/> Personal Injury <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Explosion, Collapse <input type="checkbox"/> Underground Hazard			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit		
2. Automobile Liability <input checked="" type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input checked="" type="checkbox"/> owned <input checked="" type="checkbox"/> hired <input type="checkbox"/> non-owned	BAP102 134880	3-30-89	<input type="checkbox"/> Bodily Injury Property Damage OR <input checked="" type="checkbox"/> Combined Single Limit	\$1,000	
3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
4. Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
5. Other					

BAP 102134880

County of Erie is included as an additional insured under the following Policy numbers: _____

Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York

ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate, before such change shall be effective.

Name and Address of Certificate Holder & Recipient of Notice County of Erie Department of Law 69 Delaware Ave. - Suite 300 Buffalo, New York 14202 (716) 846-5811	Date Issued: 10-31-88aw Auth. Representative: <i>Joseph J. Naples</i> Firm Name & Address: Joseph J. Naples & Associates, Inc. 490 Delaware Avenue Buffalo, NY 14202
--	--

**IN CLAIMS OFFICE
LAW DEPARTMENT**

FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate	SNOW REMOVAL CONTRACT
Purchase Order or Contract Number	
Vendor Insurance Classification	SOLE CONTRACTOR

DIVISION OF HIGHWAYS
66 FRANKLIN STREET
BUFFALO, NY 14202

APPENDIX F

EXHIBIT C
Rev. 1-85

County of Erie Standard Insurance Certificate



This certificate does not amend, extend or alter the coverage afforded by the standard form policies listed below.

TOWN OF CHEEKTOWAGA Broadway & Union Road Cheektowaga, NY 14227 JOSEPH J. NAPLES & ASSOCIATES, INC. 490 Delaware Avenue Buffalo, NY 14202 716 887 6000	RI Companies Affording Coverages
	A HARTFORD ACCIDENT & INDEMNITY COMPANY
	B
	C
	D

It is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

of Insurance By Checking the Box	Policy Number	Expiration Date	Limits of Liability in Thousands		
			Check The Box	Each Occurrence	Aggregate
1. General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises and Operations <input type="checkbox"/> Products/Completed Operations <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Contractual <input type="checkbox"/> Personal Injury <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Explosion, Collapse <input type="checkbox"/> Underground Hazard			<input type="checkbox"/> Bodily Injury Property Damage OR <input type="checkbox"/> Combined Single Limit		
2. Automobile Liability <input checked="" type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input type="checkbox"/> owned <input type="checkbox"/> hired <input type="checkbox"/> non-owned	01 UEN DU 0058	3-30-90	<input type="checkbox"/> Bodily Injury Property Damage OR <input checked="" type="checkbox"/> Combined Single Limit	1000	
3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
4. Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
5. Other					

County of Erie is included as an additional insured under the following Policy numbers: 01 UEN DU0058

Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, State of New York.

ACKNOWLEDGEMENT: Insurance companies providing these coverages acknowledge that the named insured is entering into a contract with the County of Erie, in which the named insured agrees to defend, hold harmless and indemnify the County, its officials, employees and volunteers against all claims resulting from work performed, material handled and services rendered. The Contractual Liability coverage evidenced above covers the liability assumed under the County - Contractor agreement.

Prior to non-renewal or cancellation of these policies, at least forty-five (45) days advance written notice shall be given to the County of Erie Dept. of Law and the County Department requesting this Certificate before such change shall be effective.

Name and Address of Certificate Holder & Recipient of Notice COUNTY OF ERIE 95 Franklin Street Buffalo, NY 14202 JUN 19 1989 IN CLAIMS OFFICE LAW DEPARTMENT	Date Issued <u>4-10-89aw</u> Auth. Representative <u>Joseph J. Naples</u> Firm Name & Address <u>JOSEPH J. NAPLES & ASSOCIATES, INC.</u> <u>490 Delaware Avenue</u> <u>Buffalo, NY 14202</u>
--	--

FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate	<u>Dept. of Public Works</u>
Purchase Order or Contract Number	_____
Vendor Insurance Classification	_____

"G" TOWN OF CHEEKTOWAGA

APPENDIX F

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
TWO WORLD TRADE CENTER
NEW YORK, N. Y. 10047

488-2122

THIS AGENCY EMPLOYS AND
SERVES THE HANDICAPPED
WITHOUT DISCRIMINATION.



ARTHUR COOPERMAN
CHAIRMAN

March 28, 1980

Mr. James Coyle, Vice President
Robert F. Coleman, Inc.
127 John Street
New York, New York 10038

Re: Self-Insurance - Workers' Compensation
Town of Cheektowaga

Dear Mr. Coyle:

This is to notify you that the Town of Cheektowaga has been accepted as a self-insured employer under the Workers' Compensation Law effective March 30, 1980.

Very truly yours,

MILTON SALMONOWITZ
Principal Examiner

MS:sw

cc: Town of Cheektowaga ✓

RECEIVED

MAR 30 1980

Richard M. Moleski, Town Clerk

APPENDIX F

JAMES J. KIRISITS
Town Attorney

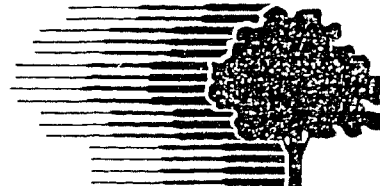
KEVIN G. SCHENK
Deputy Town Attorney

MICHAEL J. STACHOWSKI
Special Prosecutor

OFFICE OF THE TOWN ATTORNEY

Town Hall, Broadway and Union Road
Cheektowaga, New York 14227
716-686-3457

Growing In A New Direction



TOWN OF CHEEKTOWAGA
Erie County, New York

June 7, 1989

Ms. Maria Martens, Coordinator
Erie County STOP-DWI
134 West Eagle Street
Buffalo, New York 14202

Re: 1989 T/V LE/CT
STOP-DWI Contracts

Dear Ms. Martens:

This notice will certify that, due to the unavailability of certain insurances as of March 30, 1986, the Town of Cheektowaga has elected to become a self-insurer for liabilities formerly covered by policies of Comprehensive General, Police and Dispatchers Professional, and Excess Umbrella Liability Insurance. A copy of the Town Board resolution effecting this change is enclosed herein. Also enclosed herein is a copy of the Town Board's resolution dated March 24, 1980 and a copy of a letter dated March 28, 1980 evidencing the fact that the Town is a self-insured employer under the Workers' Compensation Law.

In lieu of a Certificate of Insurance, please accept this notice as evidence of the Town's intent to pay its legal obligations for meritorious General, Police/Dispatchers Professional, and other uninsured liability claims made against it and relating to the STOP-DWI Agreement. Payments for such claims will be guaranteed by the full faith and credit of the Town or its districts, as applicable, and will be paid out of current budgeted funds or, if insufficient, from funded loss reserves or from the proceeds of bonds which current laws permit the Town to issue to pay claims against it.

I hope the above statement will be sufficient to replace any insurance requirements you have. Should you have any questions concerning this matter, please feel free to call me.

Very truly yours,

Kevin G. Schenk
Deputy Town Attorney

Encl.

ORIGINAL DOCUMENT

JUN 18 1989

IN CLAIMS OFFICE
LAW DEPARTMENT

APPENDIX F
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the.....7.5h.....day ofApril..... 19.86.. at.....7:00.....o'clock p.m. Eastern.....Standard..... Time there were:

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

ABSENT: 0

Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, the Town's appointed Insurance Advisory Committee and Insurance Consultant have requested, received and evaluated proposals for the renewal of the Town's general insurance, which expired as of March 30, 1986, and for self-insurance alternatives, and

WHEREAS, notwithstanding the Town's excellent loss and risk management record, insurers have refused to provide most liability insurance, as is evidenced by the lack of quotations received, and

WHEREAS, it is believed that any insurance that might be available from the New York State Insurance Department Municipal Marketing Assistance Program would be excessively priced and would not provide for catastrophe liability claims in any event, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga, being forced by the unavailability and/or excessive cost of insurance (other than Auto Liability Insurance):

1. elects to self-fund its risks of loss for which no insurance is purchased, including, but not limited to the risks normally covered by General Liability, Police, Professional Liability, Dispatchers Errors & Omissions Liability, and Excess Umbrella Liability policies; and
2. assumes its legal obligations to respond on behalf of itself and others to whom it has contracted to or is obligated to provide such insurance .

and, BE IT FURTHER

RESOLVED, that the Town will, in the future, by means of separate resolutions:

1. retain claims administration and loss control services; and
2. establish prudent reserve funds as permitted by law to spread the payment of uninsured claims and losses over a period of several years.

Upon roll call

Supervisor Weber	Voting	AYE
Councilman Johnson	Voting	AYE
Councilman W.P. Rogowski	Voting	AYE
Councilman J.V. Rogowski	Voting	AYE
Councilman Jaworowicz	Voting	AYE
Councilman Kowal	Voting	AYE
Councilman Gabryszak	Voting	AYE
AYES:	7	
NAYES:	0	
ABSENT:	0	

ORIGINAL DOCUMENT

FILE:
JUN 19 1988

IN CLAIMS OFFICE
LAW DEPARTMENT

APPENDIX F

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

adjourned

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 24th day of March, 1980 at o'clock p.m. Eastern Standard Time there were:

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

ORIGINAL DOCUMENT
FILED:
JUN 19 1980
IN CLAIMS OFFICE
LAW DEPARTMENT

ABSENT:

Motion by Supervisor Meyers

Seconded by Councilman Swiatek

WHEREAS Subdivision 4.a. of Section 50 of the New York Worker's Compensation Law permits a town to self-insure its obligation to secure compensation to its employees without bond or security; and

WHEREAS the Town has received and examined proposals for a self-insurance program and has reviewed its consultant's evaluation of such proposals and has determined the potential benefits to the Town should exceed the potential of costs exceeding the purchase of insurance, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga elects to self-insure its obligation to pay compensation to its employees and directs the Town Clerk to submit a Notice of Election to secure compensation as a self-insurer and a certified copy of this Resolution to the Chairman, Workers' Compensation Board as required by law; and BE IT FURTHER

RESOLVED that the Town elects to self-insure and pay compensation benefits in accordance with the Workers' Compensation Law of the State of New York to elected and appointed officials, policemen, and other persons employed and paid wages by the Town whether or not required by said law; and BE IT FURTHER

RESOLVED that the Town will, by separate resolutions, establish a reserve fund for the payment of self-insured compensation benefits, retain the services of licensed firms to administer its self-insurance program and, subject to submission of approved vouchers, authorize the payment of funds to the selected claims administration firm to pay self-insured claims on behalf of the Town.

APPENDIX G

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 5th day of June, 1989 at 7:30 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

Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special traffic options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1989 and terminates December 31, 1989 with the County of Erie concerning its STOP-DWI program, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute six (6) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

STATE OF NEW YORK
 ERIE COUNTY
 OFFICE OF THE CLERK OF THE
 TOWN OF CHEEKTOWAGA } SS:

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

in said County of Erie, on the 5th day of June 19 89, and that the same is a correct and true transcript of such original resolution and the whole thereof.

(SEAL)

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 5th day of June 19 89

Richard M. Moleski

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, N. Y.

4-N 5916

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

EXHIBIT G

MEETING NO. 14
June 5, 1989

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

WHEREAS, the New York State Department of Transportation proposes the reconstruction of William Street eastward from the intersection of Colton Street to Laura Court and also the construction of an interchange at the I-90 at William Street in the Town of Cheektowaga identified as PIN 5528.21, AND

WHEREAS, as part of these roadway improvements, it is necessary to undertake adjustments to Town owned facilities, AND

WHEREAS, by resolution dated August 1, 1988 this Town Board requested the New York State Department of Transportation to include the installation of a twin 54" storm drainage pipe crossing beneath William Street as a part of the William Street Road Improvement Project with the maximum cost estimated at \$90,000.00 to be paid for by the Town under the Capital Improvement Bond Issue from Account No. 05-8540-8819-1104, NOW, THEREFORE BE IT

RESOLVED that the Town of Cheektowaga hereby grants permission to the State of New York to perform utility improvements and adjustments to Town facilities as required by the William Street Road Improvement Project and agrees to maintain facilities adjusted by State-let contract AND, BE IT FURTHER

RESOLVED that the Town of Cheektowaga agrees to deposit with the Comptroller of the State of New York, the amount of \$90,000.00 to cover the cost of betterment described as the installation of two (2) 54" storm drainage pipes under William Street, upon commencement of work under this project, AND, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the HC 140 Agreement submitted by the New York State Department of Transportation.

Upon Roll Call....

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

Item No. 17e Motion by Councilman Johnson Seconded by Councilman Jaworowicz

WHEREAS, the Town acquired ownership of a 50.24 acre parcel of land on the south side of Walden Avenue west of Harlem Road (S.B.L. Nos. 101.04-1-1.1 and 101.60-8-10.1) from the County of Erie pursuant to Town Board resolution dated May 2, 1988, and

WHEREAS, the Town is the owner of a 5.26 acre parcel of land adjoining such property (S.B.L. Nos. 101.60-8-10.2 and 101.04-1-1.2), and

WHEREAS, in the aforementioned resolution dated May 2, 1988, it was stated that it was the Town's intention, in obtaining the land from the County, to have such property marketed by the Cheektowaga Economic Development Corporation ("CEDC") for an industrial park, and

Section 1411(d) of the Not-For-Profit Law of the State of New York provides that this Town Board may determine the Town property is not required for use by the Town and authorize the sale or lease of such property to the CEDC on such terms as may be agreed upon between the Town and the CEDC, and

WHEREAS, this Town Board is interested in availing itself of the expertise of the CEDC Board in marketing the aforementioned property for industrial/commercial development, and

WHEREAS, Section 1411(d)(3) requires that, before any sale or lease to a local development corporation shall be authorized, a public hearing shall be held by this Town Board, and

WHEREAS, a public hearing was held on the 5th day of June, 1989 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 on a proposal to lease to

Item No. 17e continued

the CEDC the aforementioned Town property; at which hearing all parties in interest were given an opportunity to be heard and were heard, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby determines that the aforementioned Town property is not required for use by the Town, and BE IT FURTHER

RESOLVED that the aforementioned Town property, as more particularly described in the attached Lease Agreement be and hereby is transferred to the CEDC subject to the terms as stated in the attached Lease Agreement, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Lease Agreement with the CEDC on behalf of the Town, and BE IT FURTHER

RESOLVED that, in accordance with Section 64(2) of the Town Law of the State of New York, such lease shall be subject to a permissive referendum and the Town Clerk be and hereby is directed to publish the attached Notice in the Cheektowaga Times.

* SEE NEXT PAGE FOR LEASE AGREEMENT

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.

Scott Benson
....., 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..... JUN 0 8 1989 ;
last publication..... JUN 0 8 1989 ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 0 8 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
NOTICE OF ADOPTION OF
RESOLUTION
SUBJECT TO PERMISSIVE
REFERENDUM**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on June 5, 1989, adopted a resolution authorizing the lease of a parcel of land comprising 55 +/- acres on the south side of Walden Avenue, west of Harlem Road and north of the existing Conrail rail yard to the Cheektowaga Economic Development Corporation pursuant to the terms contained in a Lease Agreement on file in the Town Clerk's Office. A more detailed legal description of the property involved and the Lease Agreement itself are available in the Town Clerk's Office where the same may be examined during regular business hours.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

RICHARD M. MOLESKI

Town Clerk

PUBLISH: June 8, 1989

EVE J. ALI

Notary Public, State of New York

Qualified in Erie County

My commission expires on 06/11/91

EXHIBIT A

This Indenture,

Made the 1st day of October, Nineteen Hundred and Eighty

Between HAROLD S. GOLDMAN, 5854 Main Street, Williamsville, N.Y.,
HAROLD DORAN, 40 Westchester Road, Williamsville, N.Y.,
SIMON JACOBS, 60 Hamlin Square, Williamsville, N.Y. and
S. ROBERT SCHEUR, 257 Dan Troy Drive, *parties of the first part, and*
Williamsville, New York,
of the second part

THE TOWN OF CHEEKTOWAGA, a domestic municipal corporation
having its principal place of business at Broadway *partly of the second part,*
and Union Road, Cheektowaga, New York

that the said parties of the first part, in consideration of
-----ONE AND MORE----- Dollars (\$1.00 & more)
lawful money of the United States, paid by the party of the second part, do hereby grant and release unto the
party of the second part, and assigns forever, its successors,

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. 33, Township 11, Range 7 of the Holland Land Company's Survey,
more particularly bounded and described as follows:

BEGINNING at the point of intersection of the southerly line
of Walden Avenue (66 foot right of way) and the westerly line of Sub-
division Lot No. 7, Block No. 3, Map Cover No. 325, said point being 280
feet distant east of the dividing line between the City of Buffalo
and the Town of Cheektowaga, as measured along said southerly line
of Walden Avenue; thence southerly along said westerly line of Sub-
division Lot No. 7, a distance of 150 feet to the southwesterly corner
thereof; thence easterly along the southerly line of said Subdivision
Lot No. 7, a distance of 30 feet to the southeasterly corner thereof;
thence northerly along the easterly line of said Subdivision Lot No. 7,
a distance of 150 feet to the northeasterly corner thereof; thence
westerly along said southerly line of Walden Avenue, 30 feet to the
point of beginning being the entire Subdivision Lot No. 7.

ALSO, 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. 33, Township 11, Range 7 of the Holland Land Company's Survey,
more particularly bounded and described as follows:

BEGINNING at the southeasterly corner of Subdivision Lot
No. 7, Block No. 3, Map Cover No. 325; thence southerly along the
southerly extension of the easterly line of said Subdivision Lot No. 7
for a distance of 315 feet; thence southwesterly at a right deflection
angle of 14°30', a distance of 68 feet; thence southerly parallel with
the dividing line between the City of Buffalo, and the Town of Cheek-
towaga and 336 feet distant easterly therefrom, measured at right
angles thereto, a distance of 593 feet more or less to the northerly
line of lands of Conrail (reputed owner); thence southwesterly along
said northerly line of lands of Conrail, 340 feet more or less to
said dividing line; thence northerly along said dividing line, 725 ft.
thence easterly at an interior angle of 89°30', a distance of 318 ft.
more or less, to a point in a line drawn parallel to the first des-
cribed line and 30 feet westerly therefrom measured at right angles
thereto; thence northerly along said last described parallel line a
distance of 312 feet more or less to the southwesterly corner of said
Subdivision Lot No. 7; thence easterly along said southerly line of
Subdivision Lot No. 7, a distance of 30 feet more or less to the
point of beginning.

RESERVING to the grantors, their distributees and grantees,
however, the permant right, easement and right of way, in common with
others and subject to such reasonable regulations and ordinances
respecting use and charges for same, to use the retention basin and
inlet and outlet storm drains constructed by the grantee on the pre-
mises above described; and a right of way and easement for ingress
and egress over the premises described above as the first parcel and
over so much of the premises described above in the second parcel
which part is for the inlet storm drain, which right of way and ease-
ment is intended to be used for the construction for the benefit of
for access to property of the grantors.

QUITCLAIM DEED

THIS INDENTURE, made the 9th day of June 1988, between the COUNTY OF ERIE, a municipal corporation existing under the laws of the State of New York, with offices at 95 Franklin Street, Buffalo, New York, 14202 party of the first part, and The Town of Cheektowaga, Broadway and Union Rd., Cheektowaga, N.Y. 14227

party of the second part,

W I T N E S S E T H

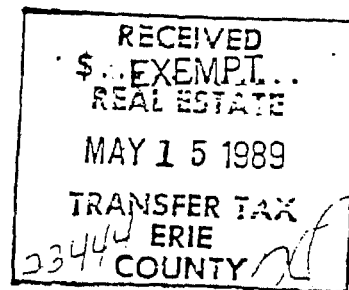
That the party of the first part, in consideration of

Two Thousand Nine Hundred Seventeen---30/100DOLLARS (\$ 2,917.30) lawful money of the United States, paid by the party of the second party, does hereby remise, release and quitclaim unto the party of the second part, its successors and assigns forever,

PARCEL 1

All That Tract or Parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farm Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows:

Beginning at the point of intersection of the East City line of the City of Buffalo and the South line of lands shown on a map filed in the Erie County Clerk's Office under Cover No. 325; thence running Easterly along the South line of said Map Cover 325, 19.97 feet more or less to an angle point; thence continuing Easterly along the South line of said Map Cover 325, about 243.82 feet more or less to a point; thence Southerly and along the Westerly line of a parcel of land conveyed to the Town of Cheektowaga under Deed Liber 8961 at Page 525, filed in the Erie County Clerk's Office, dated October 1, 1980, about 312 feet more or less to a point; thence Westerly along the property line of said parcel of land conveyed to the Town of Cheektowaga under said above mentioned Deed Liber and Page, about 318 feet more or less to a point; thence Northerly along the East City Line of the City of Buffalo, about 280 feet more or less to the point of beginning.



U 010021 P 325

PARCEL 2

All That Tract or Parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot No. 33, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows:

Beginning at a point on the South line of lands shown on a map filed in the Erie County Clerk's Office under Map Cover No. 325, said point being the Southwesterly corner of Sublot 8, under said Map Cover 325, Block No. 3, thence running Easterly along the Southerly line of said Map Cover 325, about 2990 feet more or less to a point; thence running Southerly to the Northeasterly line of the lands of the Consolidated Rail Corporation as filed under Deed Liber 8706 at Page 513 in the Erie County Clerk's Office dated October 11, 1978, about 280 feet more or less to a point; thence Southwesterly and Westerly along the lands of the Consolidated Rail Corporation under said above mentioned Deed Liber and Page, about 2920 feet more or less to the Southeasterly corner of a parcel of land conveyed to the Town of Cheektowaga, under Deed Liber 8961 at Page 525, filed in the Erie County Clerk's Office, dated October 1, 1980; thence Northerly along the Easterly line of lands conveyed to the Town of Cheektowaga under said above mentioned Deed, about 593 feet more or less to angle point; thence continuing Northeasterly along the lands conveyed to the Town of Cheektowaga, about 68 feet more or less to an angle point; thence continuing Northerly along the lands conveyed to the Town of Cheektowaga, about 315 feet more or less to the place or point of beginning.

PARCEL 3

All That Tract or Parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot No. 33, Township 11, Range 7, of the Holland Land Company's Survey and according to a Map filed in the Erie County Clerk's Office under Map Cover No. 325, Block No. 3 is known and distinguished as Subdivision Lot No. 6, Walden Ave., South side, 30' X 150'.

Being the same parcels heretofore conveyed to the County of Erie under Deed Liber 9372 at Page 618 as filed in the Erie County Clerk's Office, dated September 6, 1984.

This property shall be used for governmental or public purposes otherwise, it shall revert back to the County of Erie.

The foregoing description is intended to describe property acquired by the County of Erie in Erie County's In Rem Action No. 140 and designated therein as serial numbers 1087 & 1090.

This conveyance is made and accepted with the reservation of and subject to any and all easements and rights of way heretofore separately acquired by the County as if same had not merged with the fee title including, but not limited to, any portion of the above described premises conveyed to or dedicated by the County of Erie for highway, drainage or other purposes as may appear in the records of the Clerk of the County of Erie; subject also to taxes, local assessments, easements and restrictions or other matters of record affecting the premises.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

This conveyance is made pursuant to a resolution passed by the Erie County Legislature on the 8th day of May 1988.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

COUNTY OF ERIE

By:

Dennis T. Gorski

DENNIS T. GORSKI
Erie County Executive

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

On this 10th day of June, Nineteen Hundred and Eighty Eight, before me personally came DENNIS T. GORSKI to me personally known, who, being by me duly sworn, did depose and say that he is the County Executive of the County of Erie, the corporation described in, and which executed the within instrument; that he resides in the Town of Cheektowaga, New York; 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 Erie County Legislature; and that he signed his name thereto by like order.

Camille Brandon
Notary Public

Approved as to Form
William L. Kim
Asst. County Attorney
Date: June 9, 1988

My Commission Expires Nov 30, 1991
Notary Public, State of New York
CAMILLE BRANDON

Approved as to Content
William F. ...
Director-Real Property Tax
Date: 6-9-88

Doc. No. 88-709 FI

LI 010021 P 327

MEETING NO. 14
June 5, 1989

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

WHEREAS, this Town Board desires to proceed with Phase II of the Mafalda/Nina/Fontaine Drainage Improvement Project for which funds have been allocated, AND

WHEREAS, it is necessary to engage the services of a consulting engineer to update existing drawings, prepare bid specifications, engage in required survey work and provide assistance to the Engineering Department during construction, NOW, THEREFORE, BE IT

RESOLVED that the proposal of May 30, 1989 as submitted by Nussbaumer & Clarke, Inc. to the Town Engineer be and hereby is accepted and approved AND, BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed on behalf of this Town Board, to sign said agreement with Nussbaumer & Clarke, Inc. for such professional services, AND, BE IT FURTHER

RESOLVED that the cost for said professional engineering services in the amount of \$22,990.00 is to be charged to Account #05-8540-8819-1101.

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 Gabryszak

WHEREAS, The New York State Department of Transportation has undertaken a project to reconstruct the Kensington Expressway, being identified as P.I.N. 5512.23(01), commencing within the City of Buffalo and extending eastward to the I-90 overpass, AND

WHEREAS, by Agreement dated October 23, 1987 between the Town of Cheektowaga and the State of New York, the Town of Cheektowaga will become responsible, upon completion, for the operation and maintenance of the highway lighting system being furnished and installed under the aforesaid New York State Department of Transportation project within the Town, AND

WHEREAS, the highway lighting system to be constructed under the Kensington Expressway Reconstruction Project includes a high mast light standard to be located within the New York State Thruway Authority right-of-way, for which the New York State Thruway Authority requires an Occupancy Permit to be filed by the Town of Cheektowaga to permit future maintenance, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to make application to the New York State Thruway Authority for the required Occupancy Permit.

Upon Roll Call....

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

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

WHEREAS, Jo-Dan Builders applied for approval of a 6-lot subdivision on Cayuga Creek Road known as the Cayuga Creek Estates Subdivision, and

WHEREAS, the Town Environmental Review Advisory Committee has reviewed such application and has rendered a determination that such subdivision will not have a significant effect on the environment, and

MEETING NO. 14
June 5, 1989

Item No. 19 continued

WHEREAS, the Cheektowaga Planning Board has also reviewed the proposed Cayuga Creek Estates Subdivision and has recommended approval of same, and

WHEREAS, the Erie County Health Department has approved such subdivision, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendation made by the Town Environmental Review Advisory Committee with respect to the Cayuga Creek Estates Subdivision, and BE IT FURTHER

RESOLVED that this Town Board hereby approves the Cayuga Creek Estates Subdivision.

Upon Roll Call....

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

Item No. 20 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, Buffalo Airfield, Inc., a domestic corporation with its principal offices and place of business at 4500 Clinton Street, West Seneca, New York, is the owner of the "Buffalo Airfield," a public-use general aviation airport, and

WHEREAS, Buffalo Airfield, Inc. has applied for and secured Federal assistance for the following project:

"Overlay/Rehabilitate and mark runway 6-24 (approximately 2, 665' x 60') and aircraft parking aprons (approximately 15,300 square yards) and connecting taxiway from runway end 6 to apron area, including associated drainage work."

AND

WHEREAS, Buffalo Airfield, Inc. has applied to the New York State Commissioner of Transportation for State aid for the accomplishment of said Transportation Infrastructure project, and

WHEREAS, the New York State Commissioner of Transportation has found the project to be consistent with sound transportation development policy and planning concepts and eligible for State participation as authorized under Section 14-h of the Transportation Law and Article 17 of the Transportation Law, known as the Implementation of the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983, and

WHEREAS, the New York State Commissioner of Transportation has approved the project and the State participation grant, and

WHEREAS, Section 14-h of the Transportation Law requires that the application for such grant by Buffalo Airfield, Inc. a private sponsor, be accompanied by a resolution from the governing body of the municipality in which the sponsor's airport is located formally endorsing the project for state assistance, and

WHEREAS, Buffalo Airfield, Inc. comes now before this, the Town Board of the Town of Cheektowaga, and requests such endorsing resolution; and

WHEREAS, this Town Board finds such project to be consistent with sound transportation development and planning concepts and promoting aviation safety, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, New York formally endorses the aforesaid project at Buffalo Airfield

MEETING NO. 14
June 5, 1989

Item No. 20 continued

* * * * *

Motion by Supervisor Swiatek and 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

Item No. 21 Motion by Supervisor Swiatek Seconded by Councilman Kazukiewicz

WHEREAS, by resolution dated May 1, 1989, this Town Board approved bonding in the amount of \$53,000.00 for the construction of a Veterans Memorial in Town Park, and

WHEREAS, proceeds from the sale of such bonds will not be realized until later this year, and

WHEREAS, moneys are needed now to make payments to the contractor on such project, NOW, THEREFORE, BE IT

RESOLVED that a temporary loan/transfer of \$17,000.00 be made from the Contingency Fund account number 01-1910-0004-4711 to the Capital Fund 05-7110-8907-1202, effective immediately.

Upon Roll Call....

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

Item No. 22 Motion by Councilman Solecki Seconded by Supervisor Swiatek

WHEREAS, the Town has begun a pilot program of recycling various items, including paper, cardboard and metal, AND

WHEREAS, the recycling of such material, as well as other material, will become mandatory as a result of both Federal and State mandate, AND

WHEREAS, this Town Board has determined that a recycling program can best be conducted by a separate Recycling Department and further that it is in the best interests of the Town for such a Department to be established, NOW, THEREFORE, BE IT

RESOLVED that a separate Recycling Department be and the same hereby is established, AND, BE IT FURTHER

RESOLVED that Town employees employed as Recycling Drivers and/or Recycling Collectors (laborers) are hereby transferred to the newly-created Recycling Department.

Upon Roll Call....

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

Item No. 23a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the firm of Scaffidi & Moore Architects, P.C. has submitted a proposal to provide structural investigation of the Reinstein Branch Library, AND

FULL-SIZED DETAILED DRAWINGS TO BE SUBMITTED TO COMMITTEE FOR INSPECTION

GALLE MEMORIAL STUDIO & WORKSHOPS INC.

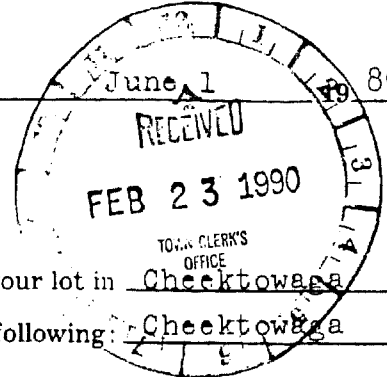
3405 HARLEM ROAD

BUFFALO, NEW YORK 14225

Phone (716) 833-4212

To Town of Cheektowaga, New York
Broadway, Cheektowaga, New York 14225
Phone _____

Date June 1 1989

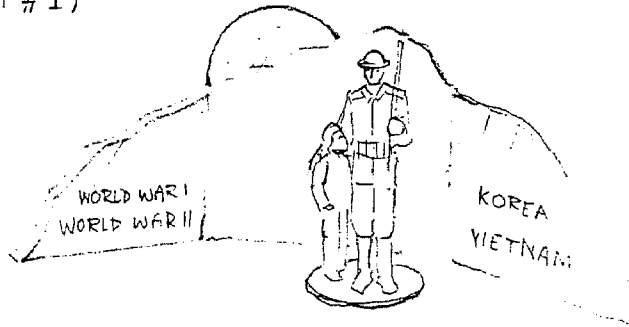


We will furnish and erect complete, ~~including foundation~~, upon your lot in Cheektowaga
Town Park ~~Grounds~~ at Harlem Rd. the following: Cheektowaga
Veterans Memorial

as per design submitted and accepted and made of jet black and Barre, Vt. grey
granites, according to the following dimensions: MKR: _____

DIE: _____ BASE: _____

- A. DESIGN: see attached print (addendum #1)
- B. additional lettering to be chosen under addendum #2 to be done @ \$3.00 per letter
- C. additional design work to be chosen under addendum #3 price to be established when scope of work is known



excavation and foundation to be furnished by Town of Cheektowaga

LETTERING— frosted sand blast Roman 4 wars listed on front

Workmanship to be of the very best in every respect. The entire work to be completed on or before Veterans Day if possible 1989, unless delayed by some unforeseen cause beyond our control.

All to be done for the sum of Fifty-three thousand and no/100 Dollars,

(\$53,000.00) payable as follows: Advance payment (\$5,000.00) which is hereby acknowledged; ^{To Mail} balance upon completion of work.

2nd payment \$12,000.00 due 6/30/89 3rd payment \$17,000.00 due 7/30/89

Balance due 15 days after completion

Except as otherwise provided herein, this transaction shall not be subject to cancellation.

The monument, marker or stone which is the subject hereof ("Monument") is, and at all times shall continue to be, personal property, and it shall not at any time be considered to be real property. Galle Memorial Studio & Workshops retains title to and has a security interest in the monument until all the payments specified herein have been paid in full.

A one and one-half percent per month late charge shall be imposed on all accounts past due hereunder in excess of thirty (30) days. The Buyer shall pay all costs, including reasonable attorneys' fees, incurred by the Seller in collecting accounts past due hereunder.

Very respectfully submitted,

GALLE MEMORIAL STUDIO & WORKSHOPS

By Paul Zentler

Accepted June 1 1989

Town of Cheektowaga
By Paul Zentler

MEETING NO. 14
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Item No. 23a continued

WHEREAS, said study entails recommendations for repair and/or replacement of structural members and roofing components, NOW, THEREFORE, BE IT

RESOLVED that the firm of Scaffidi & Moore Architects, P.C., 4535 Bailey Avenue, Buffalo, New York 14226 is hereby retained to provide the aforementioned study at a fee not to exceed \$2,000.00, AND BE IT FURTHER

RESOLVED that funds for said action are available from Account #05-7410-8811-1103.

Upon Roll Call....

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

Item No. 23b Motion by Councilman Kazukiewicz Seconded by Councilman Johnson

WHEREAS, by resolution dated March 20, 1989 this Town Board approved the establishment of the Veterans Memorial Capital Project, directed the transfer of \$5,000.00 into such project account, and approved the hiring of Ralph Sirianni, artist, for the construction of the Veterans Memorial Monument, and

WHEREAS, Ralph Sirianni is an employee of Galle Memorial Studio & Workshops, Inc. and the Town's contractual relationship would be with Galle Memorial Studio & Workshops, and

WHEREAS, the attached agreement dated May 31, 1989 with Galle Memorial Studio & Workshops, Inc. states that the cost for the construction of the Veterans Memorial will be \$53,000.00. and

WHEREAS, by resolution dated May 1, 1989, this Town Board authorized capital notes and serial bonds in the amount of \$53,000.00 for the construction of the Veterans Memorial, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the hiring of Galle Memorial Studio & Workshops, Inc. as per the attached agreement, for the construction of the Veterans Memorial, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is directed to execute the attached agreement, and BE IT FURTHER

RESOLVED that this Town Board hereby approves the payment of \$53,000.00 to Galle Memorial Studio & Workshops, Inc. as per the payment schedule contained in such agreement, and BE IT FURTHER

RESOLVED that the second "RESOLVED" paragraph of the aforementioned resolution dated March 20, 1989 be and hereby is amended to delete reference to Ralph Sirianni and to insert therein reference to Galle Memorial Studio & Workshops, Inc. and BE IT FURTHER

RESOLVED that the third "RESOLVED" paragraph of the aforementioned March 20, 1989 resolution be and hereby is rescinded.

Upon Roll Call....

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

* SEE NEXT PAGE FOR AGREEMENT

MEETING NO. 14
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Item No. 23c Motion by Councilman Solecki Seconded by Councilman Johnson

WHEREAS, the Town Board requires an analysis to provide a detailed cost and revenue data base for use in determining future changes in services to be provided and in the allocation of charges to benefited properties, and

WHEREAS, the Town Board desires a report which will provide them with alternative proposals for phasing in the recommended changes in both services and charges and will include consideration of the new Garbage Ordinance and will involve extensive micro computer analysis, and

WHEREAS, the required work tasks will include:

I. Detailed job cost analysis of work tasks - (fixed and variable):

- regular residential
- commercial dockside
- container
- special residential (refrigeration, etc.)
- other

II. Revenue analysis by property category:

- residential
- apartment
- mobile home
- commercial
- exempt

III. Analysis of new ordinance impact projected on services.

IV. A projected five-year revenue and cost analysis.

V. The provision of alternate benefit basis cost spreads including a phasing concept.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Deloitte, Haskins & Sells be engaged for a fee not to exceed \$28,500 to provide the above services and that a budgetary transfer of \$28,500 be approved from 15-8160-0008-8101 (Retirement Costs) to 15-8160-0004-4475 (Cost - Revenue Consultation).

Upon Roll Call....

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

Item No. 23d Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, this Town Board authorized a drainage improvement project identified as the U-Crest Ditch South Channel to provide flooding relief in the area of Barone Circle and other sectors of Storm Sewer District No. 7, Madeira, Scajaquada Creek and Slate Bottom Creek, AND

WHEREAS, all of said ditch/creek improvements will be using the successful bidder from the Equipment & Operators for Public Works Projects 1989 Bid, AND

WHEREAS, there is a need for obtaining technical services that are not included in the scope of any current project, AND

WHEREAS, such services are needed in resolving erosion control problems, NOW, THEREFORE, BE IT

RESOLVED that the Town Engineer is hereby authorized to secure the services of:

Merriman Conservation Consultants, 504 Ridge Avenue, East Aurora, N.Y. 14052

MEETING NO. 14
June 5, 1989

Item No. 23d continued

as needed at the rate of twenty-eight dollars (\$28.00) per hour for the services of a conservation consultant, AND, BE IT FURTHER

RESOLVED that payment for said services not exceed twenty thousand dollars (\$20,000.00) and that services are chargeable to Account No's:

U-Crest South	05-8807-8148-0400	\$11,000.00
Scajaquada	05-1440-8905-1103	\$ 2,500.00
Madeira	05-1440-8905-1104	\$ 1,500.00
Slate Bottom	05-1440-8905-1105	\$ 5,000.00

Upon Roll Call....

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

Item No. 23e Motion by Councilman Gabryszak Seconded by Councilman Jaworowicz

WHEREAS, the construction of an 18 hole Golf Course at Rehm Road Park will necessitate the elimination on three (3) softball diamonds and one (1) hardball diamond, AND

WHEREAS, additional lighted ball diamonds at J.C. Stiglmeier Park would fulfill the void created by the loss of playing facilities at Rehm Park, AND

WHEREAS, the firm of R.P. Morrow Associates, P.C. has submitted a proposal to conduct a feasibility study for adding sportslighting to existing play fields where appropriate, present alternative schemes, design foot candle levels, wiring and transformer methods and provide estimates of probable construction costs, NOW, THEREFORE BE IT

RESOLVED that the Town Board hereby retains the firm of R.P. Morrow Associates, P.C. of 225 Delaware Avenue, Buffalo, New York 14202-2186 at a fee not to exceed \$3,500.00, AND BE IT FURTHER

RESOLVED that funds for said services are available from Account #05-7110-8818-1102.

Upon Roll Call....

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

Item No. 23f Motion by Councilman Gabryszak Seconded by Councilman Johnson

WHEREAS, the N.Y.S. Energy Office has awarded a Technical Assistance Studies Grant for the Town Park Recreation Center, Town Hall and Police/Court Building under the Local Government/Public Care Conservation Program, AND

WHEREAS, the N.Y.S. Energy Office Award provides 50% funding for said Technical Assistance Study AND

WHEREAS, Babinsky.Klein Engineering, P.C. has considerable experience in preparing Technical Assistance Studies AND

WHEREAS, Babinski.Klein Engineering, P.C. submitted a proposal to provide site surveys, condition and configuration of existing energized systems, systems performance test on mechanical equipment, analysis of renewable energy source applications, lighting surveys, identify all possible energy conservation measures and preparation of the final report, NOW, THEREFORE BE IT

MEETING NO. 14
June 5, 1989

Item No. 23f continued

RESOLVED, that the firm of Babinsky.Klein Engineering, P.C., 150 Creekside Drive, Amherst, New York 14150 is hereby retained to prepare Technical Assistance Study for the Town Park Recreation Center, Town Hall and Police/Court Building at a fee not to exceed \$7,500.00, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Account #01-1625-0004-4500.

Upon Roll Call....

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

Item No. 24a Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

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

POLICE DEPARTMENT

EFFECTIVE

Judy Ann Zipp

5/17/89

Upon Roll Call....

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

Item No. 24b Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED, the following be terminated in the Department of Senior Services: 031310 Grant Hackenberg and 076944 Henry Szczepaniak.

Funding Source: 01-7620-0004-1639

Upon Roll Call....

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

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

BE IT RESOLVED that the following seasonal employees be terminated by the Cheektowaga Recreation Department effective June 5, 1989.

Matthew Bean
Michael Bogdan
Norbert Rzeski
Robert Kowalewski
Dean Lach
Keith Bova
Maurice Desjardins
John Flynn
Robert Kowaleski
Jay Meyers
Todd Meyers
Eugene Pytlewski
Roy Schneiderman
David Weber
Lisa Szymkowiak
Colleen Witucki
Paul Dennis

MEETING NO. 14
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Item No. 24c continued

Susan Ciezak
Mary Lou Czajka
Mark Kryszczak
Bernard Ruda
Laila Desjardins
Thomas Kazmierczak III
Beverly Nowicki
Melissa Prorok
Jeffrey Schneider
Nancy Szymkowiak
Barbara Coia
Gregory Florczak
Lisa Kostelny
Jenny Krier
Elaine Myszka
Nadine Verga
Corinne Worth
Timothy Wrotny
Mary E. Seivert
Domenica Cimato
Rachelle Wiseman
Carmella Zuccaro
Matthew Haberl
Michele Kunkel
GregoryCzarnecki
Douglas Kenjockety
Kevin Kuehmeier
Michael Arber
Patrick Griffin
Mark Jagord
Sam Burgio
Lisa DiAmico
Richard Binner
Joseph Nowak
Anthony Orzel
Gregory Burke, Jr.
Kevin Burke
Christopher Fitch
Kevin Jajkowski
Scott Kowal
Jonathan Kusz
Timothy Przepiora
James Rogowski
John Rogowski
David Wojciechowski
David Surdej
Gerald Hickson
John Wanat
Jason Wartinger

Upon Roll Call....

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

Item No. 24d Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

BE IT RESOLVED that the following individual be and hereby is terminated as Seasonal and/or Part-time employee in the Facilities Department:
Christopher Kuhlmeys IMMEDIATELY

Upon Roll Call....

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

MEETING NO. 14
June 5, 1989

Item No. 25 Motion by Councilman Jaworowicz Seconded by Supervisor Swiatek

WHEREAS, by resolution of this Town Board, Kenneth Stoller was appointed to the position of Public Safety Dispatcher, effective April 17, 1989, AND

WHEREAS, the Town is in receipt of a voluntary letter of resignation from Kenneth Stoller, resigning from his position as Public Safety Dispatcher, NOW, THEREFORE, BE IT

RESOLVED that the letter of resignation of Kenneth Stoller from the position of Public Safety Dispatcher, effective May 19, 1989, is hereby accepted.

Upon Roll Call....

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

Item No. 26a Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, the Town has created the position of Electrician, AND

WHEREAS, the position is in the non-competitive class of the Civil Service, AND

WHEREAS, a notice of such position vacancy has been posted in accordance with the provisions of the Town's Agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Kenneth J. Meyers, be appointed to the position of Electrician in accordance with the terms and conditions of the Town's Agreement with the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Johnson, Jaworowicz, Gabryszak, Kulyk
and Kazukiewicz
NAYES: 0
ABSENT: 0
ABSTAINED: 1

Item No. 26b Motion by Councilman Kulyk Seconded by Councilman Johnson

WHEREAS, there exists a vacancy in the position of Assistant Plumbing Inspector, AND

WHEREAS, there is no current valid Civil Service list for said position, AND

WHEREAS, the position has been posted in accordance with the provisions of the Town's Agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Louis Costrino, Cheektowaga, be appointed to the position of Assistant Plumbing Inspector, on a provisional basis, pending the result of a competitive Civil Service examination for said position, at a salary in accordance with the Agreement between the Town and the Town of Cheektowaga Employees Association.

Upon Roll Call....

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

Item No. 26c Motion by Councilman Kulyk Seconded by Councilman Solecki

WHEREAS, David Kulik has been assigned to the Town's Recycling Pilot

Item No. 26c continued

Program to act as the Coordinator thereof, AND

WHEREAS, the Erie County Department of Personnel has yet to determine the jurisdictional status of such position, AND

WHEREAS, it is in the best interest of the Town to create the position of Temporary Recycling Coordinator to further the Town's Recycling Pilot Program, NOW, THEREFORE, BE IT

RESOLVED that the position of Temporary Recycling Coordinator be established, provisionally, pending the determination of the Erie County Department of Personnel with respect to the position's jurisdictional classification, AND, BE IT FURTHER

RESOLVED that David Kulik, _____, Cheektowaga, New York be appointed to the position of Temporary Recycling Coordinator, provisionally, pending jurisdictional classification.

Upon Roll Call....

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

Item No. 26d Appointment of Laborer in Sanitation Dept.
This item was withdrawn.

Item No. 26e Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, there are currently three (3) vacancies in the Sanitation Department, Recycling Department for the position of Recycling Driver, AND

WHEREAS, said vacancies have been posted in accordance with the provisions of the Agreement between the Town and the Town of Cheektowaga Employees Association, AND

WHEREAS, the time in which to bid on such position is now expired, NOW, THEREFORE, BE IT

RESOLVED that the following individuals are hereby appointed to the position of Recycling Driver, effective June 6, 1989 and at a salary in accordance with the Agreement between the Town and the Town of Cheektowaga Employees Association:

Paul Stallone
Ronald Golas
James Kazmierczak

Upon Roll Call....

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

Item No. 26f Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

BE IT RESOLVED that Mark E. Weber, _____, Cheektowaga, New York 14227 is hereby appointed to fill the unexpired term of Paul Tokasz as a member of the Cheektowaga Library Board, effective immediately; said term to expire January 1, 1990.

Item No. 26f continued

Upon Roll Call....

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

Item No. 26g Motion by Councilman Kulyk Seconded by Councilman Johnson

BE IT RESOLVED, that Brian Golas of seasonal employee in the Highway Department, be and hereby is assigned to the position of Staff Assistant in the Council Office, on a part-time basis, at the rate of \$5.25 per hour, effective immediately, AND BE IT FURTHER

RESOLVED that said salary be charged to line item 01-1010-0001-1355.

Upon Roll Call....

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

MOTION BY COUNCILMAN KAZUKIEWICZ AND SECONDED BY COUNCILMAN GABRYSZAK TO DISPENSE WITH READING OF THE NAMES IN ITEMS 27a, 27b, 27c, and 27d 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. 27a Motion by Councilman Gabryszak Seconded by Councilman Solecki

BE IT RESOLVED that the following be hired to aid the Cheektowaga Recreation Department in conducting its 1989 summer programs.

POOL DIRECTOR - \$300.00 per week - 9 weeks - A7180.1902

Brian Hansen

SPECIAL EVENTS SUPERVISOR - \$225.00 per week - 9 weeks - A7180.1902

John Hartman

POOL SUPERVISORS - \$195.00 per week - 9 weeks - A7180.1902

Town Park Pool

Catherine Giles
Kevin Kuehmeier

POOL SUPERVISORS - \$185.00 per week - 9 weeks - A7180.1902

MARYVALE AND DINGENS POOLS

Sharon Gandy
Michelle Kunkel
Pamela Miller
Joelle Miranda
Eric Solberg

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Item No. 27a continued

ASSISTANT POOL SUPERVISORS - \$4.50 per hour - A7180.1903

Todd Roland
Denise Szalasny
Douglas Wittig

LIFEGUARDS - \$4.00 with WSI - \$3.75 without WSI - A7180.1903

Richard Anowski
Melissa Bialkowski
Tammy Bielawa
Andrea Bitterman
Kathleen Bobeck
Gregory Burke, Jr.
Michael Callahan
Christopher Cegielski
Gregory Czarneski
Lisa D'Amico
Heather Delano
Rebecca Dziewa
Julie Elis
Ann Marie Gorski
Lisa Grace
Carrie Grandits
Kurt Hansen
Deborah Hartman
Jacqueline Houser
Lynn Kaczmarek
Christopher Kemp
Jennifer Kemp
Douglas Kenjockety
Jill Kinney
William Kolasa
Kerry Kolbert
Kolleen Kolbert
Chris Krajewski
Jacqueline Lang
Robert Limpert
Kathleen Measer
Michael Mekarski
Tracey Miesowicz
Andrea Nietopski
Karen Pacer
Edward Pawlowski
Amy Lou Pszczolkowski
Liane Raczkowski
Kristen Ryan
Keith Sokolowski
Keith Stachura
Julie Szalasny
Laurie Tarapata
Denise Tasca
Brian Tokarczyk
Jennifer Ward

GYMNASTICS SUPERVISOR - \$6.00 per hour - A7140.1615

Colleen Tonsoline

ASSISTANT GYMNASTICS SUPERVISORS - \$5.00 per hour - A7140.1615

Jenny Krier
Jeffrey Schneider

GYMNASTICS LEADERS - \$4.50 per hour - A7140.1615

Kimberly Orschek

Item No. 27a continued

GYMNASTICS INSTRUCTORS - \$4.00 per hour - A7140.1615

Maria DiGiacomo
Mark Monaco
Caren Morella
Susan Mulcahy
Tina Wanat

TENNIS COURT SUPERVISOR - \$180.00 per week - A7140.1613

Mark Kryszczak

TENNIS COURT INSTRUCTORS - \$150.00 per week - A7140.1613

Donald Nowak
Amy Skretny
Lynn Staszak
Michael Tiburzi

RECREATION ATTENDANTS - \$3.50 per hour - A7140.1614

Sharon Baker
Brenda Besl
Joe Besl
Kevin Burke
Jeffrey Choinski
Kate Cunningham
Catherine Esford
Kevin Forma
Monica Gardon
Tracy Gielinski
Kenneth Hangen
Kathy Ickowski
Todd Iozzia
Kevin Jajkowski
Keith Kraska
Sandra Large
Karl Machowiak
David Majchrzak
Judith Novo
Thomas O'Donnell
Kevin Paluch
David Pyc
Susan Ring
Linda Ritter
David Roehmholdt
Michael Ryszka
Andrea Rzeski
Andrew Schlesinger
William Schmitt
Amy Smith
Mary Pat Speyer
Donna Stawasz
Jennifer Tonsoline
Janine Marie Urbanski
Lisa Urbanski
Magdalena Wnuk
Lisa Wolentarski
Ruth Blackwell
Jackie Kowal

RECREATION ATTENDANTS - ALTERNATES

Kevin Barczykowski
Richard Brecker
Brian Doughty
Michael Grace

Item No. 27a continued

RECREATION ATTENDANTS - ALTERNATES (continued)

Amy Sieczkarek
Duane Smith
Kathleen Strauss
Jason Stronka
Andre Theriault
David Tomczak
Kimberly Paa

RECREATION ATTENDANT - Cleveland Hill High School - A7140.1615

David Ish

THEATER PROGRAM SUPERVISOR - \$6.00 per hour - A7140.1613

Thomas Kazmierczak III

THEATER PROGRAM RECREATIONAL LEADERS - \$4.00 per hour - A7140.1613

Nadine Bucolo
Philip Dettelis
Donald Jenczka

RECREATION SUPERVISORS - SOCCER - \$5.00 per hour - A7140.1611

Paul Dennis

SOCCER INSTRUCTORS - \$4.00 per hour - A7140.1611

Maurice Desjardins
Matthew Haberl
Roy Schneiderman

SOCCER ATTENDANTS - \$3.50 per hour - A7140.1611

Heather Chapp
Ben Dennis
Jonathan Kurdys
John Smoczynski
Colleen Witucki

RECREATION SUPERVISOR - Cleveland Hill H.S. \$5.50 per hour - A7140.1615

Joanne Miranda

RECREATION SUPERVISOR - Basketball - \$5.00 per hour - A7140.1613

Richard Binner
Glen Graham
Mark Rzemek

RECREATION SUPERVISOR - Volleyball - \$5.00 per hour - A7140.1613

Christopher Luksch

PLAYGROUND SUPERVISORS - \$6.00 per hour - A7140.1613

Susan Ciezak
Mary Lou Czajka
Peter Odrobina
Bernard Ruda
Brian Kramer
Eric Weber

Item No. 27a continued

ARTS & CRAFTS SUPERVISORS - \$6.00 per hour - A7140.1613

Kathleen Campbell
Nancy Colucci
Julie Kaczorowski
Cathy Tom
Jill Sam

TINY TOTS SUPERVISOR - \$6.00 per hour - A7140.1613

Sharon Urbanski

ASSISTANT SOFTBALL COORDINATOR - \$5.00 per hour - 7140.1613

Richard Andrzejewski

EXERCISE INSTRUCTORS - \$5.00 per hour - A7140.1613

Laila Desjardins
Beverly Nowicki

RECREATION LEADERS - \$4.00 per hour - A7140.1614

Keith Bova
Deborah Brianiecki
Domenica Cimato
Ron Cyrankowski
Jomark Garbotowicz
Steven Gorniak
Jeanine Hanner
Faye Hertel
Scott Homac
Denise Kelly
Michael Kennuth
Tina Kaczorowski
Susanne Kusmierczyk
Thomas Minorczyk
Amy Nelson
Michael Ostempowski
Tracy Ryan
Carol Schindler
Corinne Worth
Rachelle Wiseman
Timothy Wrotny

Further, BE IT RESOLVED that the above employees be terminated effective September 1, 1989.

Upon Roll Call....

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

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

BE IT RESOLVED that the following individuals be transferred from the Adapted Recreation Program (01-7310-0001-1803) to the Summer Day Camp for the Developmentally Disabled (01-7310-0001-1802), effective June 6, 1989:

Program Coordinator - \$7.00 per hour

Deborah Ann Wojtkowski 14043

Assistant Program Coordinator - \$6.00 per hour

Christine Phillips 14225

MEETING NO. 14
June 5, 1989

Item No. 27b continued

Activity Directors - \$5.50 per hour

Paulette Mecca	14225
Bonnie Lynch	14043
David Imiola	14227

Senior Counselors - \$4.30 per hour

Barbara Zielinski	14225
Christy Male	14225

Senior Counselor Alternate - \$4.30 per hour

Carl Vella	14043
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BE IT FURTHER RESOLVED that the following individuals be transferred from the Adapted Recreation Program to the Summer Day Camp for Developmentally Disabled with the following title changes, effective June 6, 1989:

Counselor II to Senior Counselor - \$4.30 per hour

Ann Priester	14225
Paul Marchewka	14227
Robin Straker	14225

Counselor II to Counselor III - \$3.80 per hour

Cynthia Principato	14225
Lynda Diemert	14225

Counselor I to Counselor II - \$3.65 per hour

Louanne Balus	14225
Kathy Miller	14227
Denise Bogdan	14206

BE IT FURTHER RESOLVED that the following individuals be hired for the Summer Day Camp for Developmentally Disabled at the designated titles and salaries effective June 6, 1989:

Activity Director - \$5.50 per hour

Marie Juergens	14225
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Senior Counselor - \$4.30 per hour

Kim Giczkowski	14043
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Counselor III - \$3.80 per hour

Doreen Skowron	14212
Lisa Germann	14225
Grace Glenn	14043
Judy Schwab	14206

Counselor II - \$3.65 per hour

Victoria Struaser	14225
John Miller	14225
Lisa Reiner	14225

Counselor I - \$3.50 per hour

Christine Nowak	14043
Tracy Hoerner	14043
Karen Noworyta	14043

MEETING NO. 14
June 5, 1989

Item No. 27b continued

BE IT FURTHER RESOLVED that the following individuals be terminated from the Adapted Recreation Program, effective June 12, 1989.

Counselor II - \$3.50 per hour

Beth Ann Schaller 14043

BE IT FURTHER RESOLVED that the following individuals be hired for the Cheektowaga Conservation Corps Program at the designated titles and salaries:

Trainee Supervisors (01-7310-0001-1811) - \$6.50 per hour

Thomas Beneduce 14227
Richard Musielak, Jr. 14043

Youth Leaders (01-7310-0001-1812) - \$4.50 per hour

Michael Wojkowiak 14227

BE IT FURTHER RESOLVED that the following individuals be promoted to the designated titles and salaries:

Program Coordinators - (01-7310-0001-1811) - \$7.75 per hour

Robert Off 14225
Jack Hornung 14225

Environmental Education Coordinator - (01-7310-0001-1811)

Roger Newhouse 14227

WHEREAS, at the Town of Cheektowaga has been awarded a State grant in the amount of \$22,369.00 to operate two work crews for the New York State Conservation Corps Program and

WHEREAS, the State grant will be covering the salaries for the individuals hired under this program, BE IT

RESOLVED that the following individuals be hired for the New York State Conservation Corps Program at the designated titles and salaries:

New York State Conservation Corps. - Crew Supervisors - \$7.75 per hour
\$6.50 per hour (01-7310-0001-1815)

Alan Miano 14225
Beth Ann Rusin 14224

New York State Conservation Corps. - Youth Leaders
\$4.00 per hour (01-7310-0001-1816)

Peter Zglinicki 14212
Kevin Wisniewski 14227

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 27c Motion by Councilman Kazukiewicz Seconded by Councilman Gabryszak

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1989 Summer Program:

Item No. 27c continued

PARKS DIVISION - Acct. #01-7110-0001-1491 at \$4.35 per hour

Thomas Bukowski
James Rogowski
Marc Mallwitz

STREET LIGHTING DIVISION - Acct. #01-1625-0001-1495 at \$4.35 per hour

Christian Ozolins
Dave Hapeman, Jr.
Dennis Kazmierczak
Todd Brubaker
Timothy Przepiora

Upon Roll Call....

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

Item No. 27d Motion by Councilman Jaworowicz Seconded by Councilman Kulyk

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

TOWN CLERK'S OFFICE - \$4.35 per hour

EFFECTIVE

Lou Ann Aepelbacher	5/30/89
Tracy Krawczyk	5/30/89
Kara Jeffords	5/24/89
Kelly Jeffords	5/22/89

SEWER MAINTENANCE - \$4.35 per hour

Joseph Divissich	Immediately
Steven Golovin	Immediately
Alex Nesteruk	Immediately

SANITATION DEPARTMENT - \$5.00 per hour

Frederick Roll	Immediately
Christopher Ozolins	Immediately
Jeffrey Jozwiak	Immediately
Jeffrey Choinski	Immediately
Lawrence Zielinski	Immediately

POLICE DEPARTMENT - \$4.35 per hour

James D. Martina	Immediately
Caroline Stang	Immediately

Upon Roll Call....

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

Item No. 28 Motion by Councilman Johnson Seconded by Councilman Gabryszak

WHEREAS, by resolution of April 17, 1989, Kathleen C. Orr was appointed to the position of Clerk-Stenographer in the Council Office, AND

WHEREAS, the starting salary of said position contained a typographical error, NOW, THEREFORE, BE IT

MEETING NO. 14
June 5, 1989

Item No. 28 continued

RESOLVED that the April 17, 1989 resolution appointing Kathleen C. Orr to the position of Clerk-Stenographer in the Council Office be and hereby is amended and corrected to accurately reflect the starting salary of said position as \$18,692.65.

Upon Roll Call....

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

Item No. 29 Motion by Supervisor Swiatek Seconded by Councilman Kulyk

WHEREAS, the Town Board wishes to upgrade the hourly rate of pay of the part time clerk in the Building Inspection Office, NOW, THEREFORE, BE IT

RESOLVED that the rate of pay for Carol Lonczak of 9 Terry Lane be increased to \$5.00 per hour effective immediately.

Upon Roll Call....

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

Item No. 30 Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau has been selected as a grant recipient by the New York State Office of Parks, Recreation and Historic Preservation to conduct the New York State Conservation Corps (NYSCC) Program for the summer of 1989, and

WHEREAS, it entails a one day training session requiring the presence of the Program Coordinator, Robert Off, BE IT

RESOLVED that Robert Off, be authorized to attend said training session June 7th and BE IT FURTHER

RESOLVED that all necessary travel expenses be reimbursed, not to exceed \$250. Account #01-7310-0004-4083.

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:	1220-04-4010	(Disaster Preparedness)	\$10,563.12
TO:	1910-04-4711	(Contingency)	10,563.12

SPECIAL DISTRICT FUND

FROM:	25-8125-02-2515	(Sewer Flusher Tank Truck)	\$90.00
TO:	25-8125-02-2514	(Low Boy Chassis-Sewer)	\$90.00

Item No. 31 continued

MOTION BY COUNCILMAN JOHNSON AND SECONDED BY SUPERVISOR SWIATEK TO AMEND THE ABOVE RESOLUTION BY ADDING ANOTHER ITEM 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

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

GENERAL FUND

FROM:	1220-04-4010	(Disaster Preparedness)	\$10,563.12
TO:	1910-04-4711	(Contingency)	10,563.12
FROM:	1910-04-4711	(Contingency)	4,250.00
TO:	1440-04-4538	(Rodent Control)	4,250.00

SPECIAL DISTRICT FUND

FROM:	25-8125-02-2515	(Sewer Flusher Tank Truck)	\$90.00
TO:	25-8125-02-2514	(Low Boy Chassis-Sewer)	\$90.00

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 June 5, 1989 are hereby approved and made a part hereof:

FUND	AMOUNT
GENERAL FUND	\$1,647,032.82
HIGHWAY FUND	239,213.16
CAPITAL FUND	792,912.38
TRUST & AGENCY FUND	154,271.34
HUD FUND	11,375.20
PART TOWN FUND	34,310.37
HUD - RENTAL REHAB. FUND	20,044.79
RISK RETENTION FUND	109,897.64
HUD - REHAB. FUND	21,050.90
SPECIAL DISTRICT FUND	1,810,046.36
	<u>\$4,840,154.96</u>
	=====

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNICATIONS

- Item No. 33 Building Permits.
Received and Filed.
- Item No. 34 Supervisor's Statement of Funds - April, 1989
Received and Filed.
- Item No. 35a Minutes of Traffic Safety Commission - April, 1989
Received and Filed.
- Item No. 35b Minutes of Traffic Safety Commission - May, 1989
Received and Filed.
- Item No. 35c Minutes of Cheektowaga Library Board - April 1989
Received and Filed.

GENERAL COMMUNICATIONS

- Item No. 36 Notice of Petition: Mary Ann Miller vs. Town of Cheektowaga
Copies were sent to: James Kirisits, Town Attorney; Ron Marten, Building Dept.; Sal LaGreca, Planning Board; Chester Bryan, Engineering Dept.
Received and Filed.
- Item No. 37a Notice of Claim: Rodevik T. Prysack 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 Department; S.I.S. Services, Insurance Carriers.
Received and Filed.
- Item No. 37b Notification of Claim: David & Geraldine Kulik/Occidental Chemical Corp. 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; S.I.S. Services, Insurance Carriers.
Received and Filed.
- Item No. 37c Notice of Claim: Susan R. Folger 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 M. Lis, Chief of Police; Joseph J. Naples, Insurance Carriers.
Received and Filed.
- Item No. 37d Notice of Claim: State Farm Insurance 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 Department; Joseph J. Naples Insurance Carriers.
- Item No. 37e Notice of Claim: Jeffrey & Margaret Zandrowicz 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; S.I.S. Services, Insurance Carriers.
Received and Filed.

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

Upon Roll Call....

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

VI. SUSPENSION OF RULES

Item No. 38 Appointment of Electrician.
This item was withdrawn.

Item No. 39a Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received by this Town Board at a bid opening on June 2nd, 1989 for One New and Unused 1989-90 ONE TON DUMP TRUCK to be purchased by the Town Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to BASIL FORD INC., 3484 Main Street, Buffalo, N. Y. 14214 for 1989 Ford at a purchase price of \$15,135.00, being the lowest responsible bidder meeting specifications, and be it further

RESOLVED that monies to be charged to line item #05862251320315.

Upon Roll Call....

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

Item No. 39b Motion by Councilman Kazukiewicz Seconded by Councilman Solecki

WHEREAS, bids were duly received by this Town Board at a bid opening of June 2nd, 1989 for One New and Unused 1989-90 1/2 Ton Pick-up Truck to be purchased by the Town Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to TOWNE FORD, 3535 Southwestern Blvd., Orchard Park, N.Y. 14127, for 1989 Ford at a purchase price of \$10,953.03, being the lowest responsible bidder meeting specifications, and BE IT FURTHER

RESOLVED that monies to be charged to line item #05862251320315.

Upon Roll Call....

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

Item No. 39c Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, Bids were duly received by this Town Board at a bid opening on June 2, 1989 for One New and Unused Trailer Mounted Self-Contained Brush Chipper for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, the Town Highway Superintendent has become aware that a new safer model of Brush Chipper is now being manufactured, NOW, THEREFORE, BE IT

RESOLVED that the above described bids be rescinded and be re-bid at a later date.

Upon Roll Call....

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

Item No. 39d Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received by this Town Board at a bid opening on June 2nd, 1989 for Planing and Texturizing Existing Pavement of Various Town of Cheektowaga Highways to varying widths and depths by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to FRONTIER ASPHALT, INC., P. O. BOX 297, Cheektowaga, N.Y. 14225, being the lowest responsible bidder meeting specifications, and BE IT FURTHER

RESOLVED that monies to be charged to line item #05862251320315.

Upon Roll Call....

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

Item No. 40a Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of Three (3) New and Unused 1990 Model, Single Drive Axle, Dump Trucks with Snow Plows, Wing Plows, Plow Riggings, and Salt Spreaders for use by the Cheektowaga Highway Department.

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

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 16th, 1989 in the Council Chambers of the Town of Cheektowaga.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive

MEETING NO. 14
June 5, 1989

Item No. 40a continued

proposals for the purchase of THREE (3) NEW AND UNUSED 1990 MODEL, SINGLE DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGINGS, AND SALT SPREADERS for use by the Cheektowaga Highway Department, at a public bid opening June 16th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, N.Y. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR THREE (3) NEW AND UNUSED 1990 MODEL, SINGLE DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGINGS, AND SALT SPREADERS.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

Richard M. Moleski, Town Clerk

Dated: June 6, 1989

Published: June 8, 1989

* * * * *

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
HIGHWAY DEPARTMENT
LEGAL NOTICE TO
BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of THREE (3) NEW AND UNUSED 1990 MODEL, SINGLE DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGINGS, AND SALT SPREADERS for use by the Cheektowaga Highway Department, at a public bid opening JUNE 16th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR THREE (3) NEW AND UNUSED 1990 MODEL, SINGLE DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGINGS, AND SALT SPREADERS."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

**RICHARD MOLESKI,
TOWN CLERK**

PUBLISH: June 8, 1989

EVE J. VILIS
Notary Public
Qualified in the State of New York
My commission expires on June 15, 1990

Item No. 40b Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of Two (2) New and Unused 1990 Model, Tandem Drive Axle, Dump Trucks with Snow Plows, Wing Plows, Plow Riggings, and Salt Spreaders for use by the Cheektowaga Highway Department.

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

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 16, 1989, in the Council Chambers of the Town of Cheektowaga.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TWO (2) NEW AND UNUSED 1990 MODEL, TANDEM DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGING AND SALT SPREADERS for use by the Cheektowaga Highway Department, at a public bid opening June 16th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR TWO (2) NEW AND UNUSED 1990 MODEL, TANDEM DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGING, AND SALT SPREADERS.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

Richard M. Moleski, Town Clerk

Dated: June 6, 1989

Published: June 8, 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.

..... Scott Benson
....., 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..... JUN. 0 8 1989..... ;
last publication..... JUN 0 8 1989..... ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 0 8 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO
BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TWO (2) NEW AND UNUSED 1990 MODEL, TANDEM DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGINGS, AND SALT SPREADERS for use by the Cheektowaga Highway Department, at a public bid opening JUNE 16th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR TWO (2) NEW AND UNUSED 1990 MODEL, TANDEM DRIVE AXLE, DUMP TRUCKS WITH SNOW PLOWS, WING PLOWS, PLOW RIGGINGS, AND SALT SPREADERS."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

**RICHARD MOLESKI,
TOWN CLERK
PUBLISH: June 8, 1989**

EVE J. ALLIS

Notary Public State of New York
Qualified in Erie County
My commission expires March 31, 1990

Item No. 41 Motion by Councilman Solecki Seconded by Councilman Kazukiewicz

WHEREAS, Cooperative Extension has provided greatly needed services and information through its Agricultural programs, 4H programs and Home Economics programs, and

WHEREAS, County funding for Cooperative Extension was cut in the 1989 budget by over 55%, and

WHEREAS, County funds for Cooperative Extension are presently provided at the rate of .19 per capita in Erie County as opposed to \$1.95 in Niagara County, .83 in Monroe County, \$4.53 in Albany County, \$1.96 in Suffolk County and presently ranks 57th out of 57 counties in financial support for Cooperative Extension in New York State, and

WHEREAS, agriculture is the No. 1 industry in Erie County, with sales of agricultural products in excess of 100 million dollars annually, and

WHEREAS, youth who are or would be involved in 4H programs will suffer greatly reduced educational and training programs which are essential to their good development, and

WHEREAS, the Cooperative Extension Home Economics program which provides services and information concerning nutrition, consumer education, programs for the elderly, money management, and more has been virtually gutted by the aforementioned budget cuts; and

WHEREAS, the entire community of Erie County benefits from the services and programs provided by Cooperative Extension, NOW, THEREFORE, BE IT

RESOLVED that this Town Board vigorously opposes the budget cuts imposed on the Cooperative Extension, and BE IT FURTHER

RESOLVED that this Town Board strongly urges the County Executive, the County Budget Director and the Erie County Legislature to take whatever steps are necessary to restore full funding to the Cooperative Extension at the previous 1988 level.

Upon Roll Call....

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

Item No. 42 Motion by Councilman Gabryszak Seconded by Councilman Kazukiewicz

WHEREAS, on November 7, 1988, the Town of Cheektowaga entered into an agreement with Catholic Charities Metropolitan Services Department for the School Intervention Services, and

WHEREAS, there is a need to expand the program to provide structured activity which will improve socialization, environmental awareness and self-esteem to "at risk" youth during the summer months, and

WHEREAS, the program will serve ten 8-10 year old boys and eight 15 year old girls who, because they are not currently involved in summer activities, are particularly vulnerable to "at risk" behaviors such as substance abuse, juvenile delinquency and pregnancy, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached addendum to the existing agreement with Catholic Charities Metropolitan Services Department to provide this additional service to "at risk" youth and BE IT

FURTHER RESOLVED that Catholic Charities Metropolitan Services Department will provide the expanded program at an additional cost not to exceed \$3,800.00; and that said dollars be transferred from Account Code 01-7310-0001-1812 to 01-7310-0004-4677.

MEETING NO. 14
June 5, 1989

Item No. 42 continued

* SEE NEXT PAGES FOR ADDENDUM TO AGREEMENT.

Upon Roll Call....

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

RECEIVED

1989 JUN 27 PM 3:07

CHEEKTOWAGA
TOWN CLERK

ADDENDUM
TO
AGREEMENT

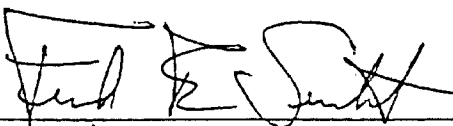
THE AGREEMENT, dated the 7th day of November, 1988, by and between the TOWN OF CHEEKTOWAGA ("TOWN") and CATHOLIC CHARITIES METROPOLITAN SERVICES DEPARTMENT ("AGENCY") be and hereby is amended to include the following new paragraphs:

- 4.A. The AGENCY agrees to provide structured activity to "at risk" youth during the summer months as described in the attached Appendix B at an additional cost to the TOWN of \$3,800.00.

This Addendum shall be effective immediately and expire on December 31, 1989.

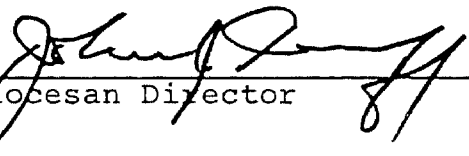
TOWN OF CHEEKTOWAGA

By


Supervisor

CATHOLIC CHARITIES
METROPOLITAN SERVICES

By


Diocesan Director

APPENDIX B

SUMMER YOUTH GROUPS

Purpose: To provide structured activity to "at risk" youth during the summer months. The program will focus on youth who are not currently involved in summer activities (such as day camps or scouting) and therefore, are particularly vulnerable to "at risk" behaviors. These may include substance abuse, juvenile delinquency and pregnancy.

Two "at risk" populations will be served; 8-10 year old boys and 15 year old girls. Mary Jane Graham and Sue Reuss will be directing both groups as co-therapists.

BOYS ACTIVITIES GROUP

This group will serve 10 boys and cover a period of 10 weeks. Group themes include socialization, environmental awareness and self-esteem. The group will meet at Cheektowaga Town Park one morning per week, and a campout at Sprucelands Center in Java Center, is planned as an ending celebration.

ADOLESCENT GIRLS ART EXPRESSION GROUP

This group will serve eight, 15 year old girls and will cover a period of fifteen weeks beginning in June. The group is being held at Cleveland Hill School. Group leaders will be using art projects as a means of exploring feelings and enhancing self-esteem. Group members will be asked to commit to the 15 week period.

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 June, 1989 at 7:30 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; Kevin Schenk, Deputy Town Attorney; Chester Bryan, Town Engineer; Sal LaGreca, Employment and Training Director II; Chairman Planning Commission; Robert M. Lis, Chief of Police; Pat Staniaszek, Program Coordinator-Youth Bureau; Ralph Majchrowicz, Director of Administration and Finance; Donald Wegner, Chairman Zoning Board of Appeals; Christopher Kowal, Highway Superintendent; Legislator Ray Dusza.

I. PUBLIC HEARINGS

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 X

Parking, Standing and Stopping

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

A. No Parking

SOUTH ROYCROFT BOULEVARD north and east side from the east curbline of South Roycroft Blvd. to the north curbline of Seton Road

SOUTH ROYCROFT BOULEVARD west side from the south curbline of Huth Road to the north curbline of Homesgarth Road

B. No parking anytime

BABBETTE DRIVE west side from Airport Drive south to the Depew Village Line

* * * * *

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

II. FROM THE TABLE

Item No. 3 Motion by Councilman Kazukiewicz Seconded by Councilman Jaworowicz

WHEREAS, Buffalo Airfield, Inc., a domestic corporation with its principal offices and place of business at 4500 Clinton Street, West Seneca, New York, is the owner of the "Buffalo Airfield," a public-use general aviation airport, and

WHEREAS, Buffalo Airfield, Inc. has applied for and secured Federal assistance for the following project:

"Overlay/Rehabilitate and mark runway 6-24 (approximately 2, 665' x 60') and aircraft parking aprons (approximately 15,300 square yards) and connecting taxiway from runway end 6 to apron area, including associated drainage work."

AND

WHEREAS, Buffalo Airfield, Inc. has applied to the New York State Commissioner of Transportation for State aid for the accomplishment of said Transportation Infrastructure project, and

WHEREAS, the New York State Commissioner of Transportation has found the project to be consistent with sound transportation development policy and planning concepts and eligible for State participation as authorized under Section 14-h of the Transportation Law and Article 17 of the Transportation Law, known as the Implementation of the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983, and

WHEREAS, the New York State Commissioner of Transportation has approved the project and the State participation grant, and

WHEREAS, Section 14-h of the Transportation Law requires that the application for such grant by Buffalo Airfield, Inc. a private sponsor, be accompanied by a resolution from the governing body of the municipality in which the sponsor's airport is located formally endorsing the project for state assistance, and

WHEREAS, Buffalo Airfield, Inc. comes now before this, the Town Board of the Town of Cheektowaga, and requests such endorsing resolution; and

WHEREAS, this Town Board finds such project to be consistent with sound transportation development and planning concepts and promoting aviation safety, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, New York formally endorses the aforesaid project at Buffalo Airfield.

Upon Roll Call....

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

III. RESOLUTIONS

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

WHEREAS, Ronald E. Lipp has petitioned for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of property owned by him and located at 782 Aero Drive, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petitioned was held before this Town Board on the 5th day of June, 1989 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of

Item No. 4a cont'd

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. Petitioner install a solid stockade fence fencing off a 60 foot by 60 foot area for storage of automobiles requiring major repairs (this fenced area is to be located north of the existing masonry building).

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance for 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, subject to the following conditions:

1. screening of the automotive storage area as directed by the Planning Board
2. the existing driveway be eliminated and a new wider driveway be installed further to the east
3. the stone area to the rear of the parcel be eliminated, leveled and seeded.

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 Ronald E. Lipp for the rezoning from MI-Light Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved subject to 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 two (2) pages for legal description.

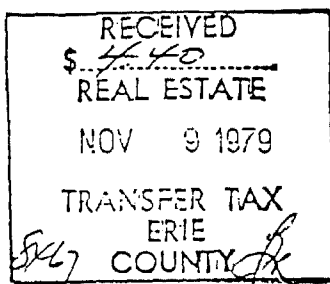
Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. eighty-one (81), Township eleven (11), Range seven (7) of the the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the south line of lands heretofore conveyed by Joseph Foisset and Mary Foisset, his Wife, to Alberty Ryley by Deed recorded June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at page 34, said point being eight hundred one and ninety-five hundredths (801.95) feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81 and along the said south line of lands of said Albert Ryley, sixty-eight and seven hundredths (68.07) feet to a point; running thence southerly five hundred fifty-four and nine tenths (554.9) feet to the northerly line of Aero Drive laid out as a highway seventy (70) feet wide; thence in a southwesterly direction along said northerly line of Aero Drive seventy (70) feet to a point; thence northerly and parallel with the westerly line of Lot No. seventy-seven (77), a distance of five hundred seventy and seventy-five hundredths (570.75) feet to the point or place of beginning.



LIBER 8351 PAGE 330

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, and being part of Lot Number 81, Township 11, Range 7 of the Holland Land Company's Survey, and more particularly described as follows:

BEGINNING at a point in the southerly line of lands conveyed to Albert Ryley by deed dated June 11, 1952, which deed was recorded in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, which point of beginning is the northeast corner of lands conveyed to Ronald Lipp and Carol Lipp, his wife, by Mary Ylmar by a deed recorded in the Erie County Clerk's Office in Liber 8851 of Deeds at Page 330, and which point of beginning is also the northwest corner of lands conveyed to Syracuse Supply Company by Paul M. Pfohl, Fidelis H. Pfohl, Joseph Pfohl and Richard Pfohl, doing business as Pfohl Enterprises by a deed recorded in the Erie County Clerk's Office in Liber 7603 of Deeds at Page 93; running thence easterly and along the north lines of lands so conveyed to Syracuse Supply Company, 58.35 feet to a point, which point is the northeast corner of lands so conveyed to Syracuse Supply Company, and which point is also the northwest corner of Parcel II of lands conveyed to Syracuse Supply Company by Sadie M. Moran by a deed recorded in the Erie County Clerk's Office in Liber 7603 of Deeds at Page 85; continuing thence easterly and along the north line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 48.63 feet to the northeast corner of said Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran; thence southerly and along the east line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 529.99 feet to a point in the northerly line of Aero Drive; running thence westerly along the northerly line of Aero Drive and along the south lines of lands so conveyed to Syracuse Supply Company by Sadie M. Moran and by Paul M. Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl, 110 feet to a point which is the southeast corner of lands so conveyed to Ronald Lipp and Carol Lipp, as aforesaid; running thence northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, 554.90 feet to the place of beginning.

LIBER 9414 PAGE 508

STATE OF NEW YORK, COUNTY OF ONONDAGA ss.:
On the 17th day of November 1984, before me personally came Allen L. Frost to me known, who, being by me duly sworn, did depose and say that deponent resides at 100 in the Town of LaFayette deponent is Vice President of Syracuse Supply Company the corporation described in and which executed, the foregoing instrument; ~~and he is a duly sworn deponent of the Board of Directors of said corporation.~~ deponent signed deponent's name thereto by like order of the Board of Directors of said corporation.

STATE OF NEW YORK, COUNTY OF
On the _____ day of _____ 19____, before me personally came _____
to me known to be the individual described in, and who executed the foregoing instrument, and acknowledged that he executed the same.

MARY A. COON
Notary Public in the State of New York
Qualified in Onon. Co. No. 4633162
My Commission Expires March 30, 1985

Mary A. Coon
NOTARY PUBLIC

LIBER 9414 PAGE 507

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

..... Scott Benson, 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 JUN 22 1989 ;
last publication JUN 22 1989 ;
and that no more than six days intervened be-
tween publications.

..... Scott Benson
JUN 22 1989

Sworn to before me this
day of, 19.....

..... Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

Councilman Solecki Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 81, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southerly line of lands conveyed to Albert Ryley by deed dated June 11, 1952, which deed was recorded in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, which point of beginning is the northeast corner of lands conveyed to Ronald Lipp and Carol Lipp, his wife, by Mary Ylmar by a deed recorded in the Erie County Clerk's Office in Liber 8851 of Deeds at Page 330, and which point of beginning is also the northwest corner of lands conveyed to Syracuse Supply Company by Paul M. Pfohl, Fidelis H. Pfohl, Joseph Pfohl, and Richard Pfohl, doing business as Pfohl Enterprises by a deed recorded in the Erie County Clerk's Office in Liber 7603 of Deeds at Page 93; running thence easterly and along the north lines of lands so conveyed to Syracuse Supply Company, 58.35 feet to a point, which point is the northeast corner of lands so conveyed to Syracuse Supply Company, and which point is also the northwest corner of Parcel II of lands conveyed to Syracuse Supply Company by Sadie M. Moran by a deed recorded in the Erie County Clerk's Office in Liber 7603 of Deeds at Page 85; continuing thence easterly and along the north line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 48.63 feet to the northeast corner of said Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 529.99 feet to a point in the northerly line of Aero Drive; running thence westerly along the northerly line of Aero Drive and along the south lines of lands so conveyed to Syracuse Supply Company by Sadie M. Moran and by Paul M. Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl, 110 feet to a point which is the southeast corner of lands so conveyed to Ronald Lipp and Carol Lipp, as aforesaid; running thence northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, as aforesaid; running northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, 554.90 feet to the place of beginning.

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. eighty-one (81), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, and described as follows:

BEGINNING at a point in the south line of lands heretofore conveyed by Joseph Foisset and Mary Foisset, his Wife, to Albert Ryley by Deed recorded June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, said point being eight hundred one and ninety-five hundredths (801.95) feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81 and along the said south line of lands of said Albert Ryley, sixty-eight and seven hundredths (68.07) feet to a point; running thence southerly five hundred fifty-four and nine tenths (554.9) feet to the northerly line of Aero Drive laid out as a highway seventy (70) feet wide; thence in a southwesterly direction along said northerly line of Aero Drive seventy (70) feet to a point, thence northerly and parallel with the westerly line of Lot No. seventy-seven (77), a distance of five hundred seventy and seventy-five hundredths (570.75) feet to the point or place of beginning.

**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 June, 1989 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were present:

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson,

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 Gabryszak WHEREAS, Ronald E. Lipp has petitioned for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of property owned by him and located at 782 Aero Drive, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before the Town Board on the 5th day of June, 1989 at 7:00 o'clock P.M., after publication and service of 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. Petitioner install a solid stockade fence fencing off a 60 foot by 60 foot area for storage of automobiles requiring major repairs (this fenced area is to be located north of the existing masonry building).

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, subject to the following conditions:

- 1. screening of the automotive storage area as directed by the Planning Board
- 2. the existing driveway be eliminated and a new wider driveway be installed further to the east.
- 3. the stone area to the rear of the parcel be eliminated, leveled and seeded.

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 Ronald E. Lipp for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby approved subject to the condition 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.

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

**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 June 19, 1989, 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. 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 hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 19th day of June, 1989.
RICHARD M. MOLESKI
Town Clerk
PUBLISH: June 22, 1989

Handwritten stamp: "EVE J. ALLIS" and other illegible text.

Item No. 4b Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Ronald E. Lipp applied for a Special Permit for automobile and truck repair and collision work on property located at 782 Aero Drive, 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 attached legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 5th day of June, 1989 at 7:00 o'clock P.M., of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit provided petitioner installs a solid stockade fence fencing off a 60 foot by 60 foot area for storage of automobiles requiring major repairs (this fenced area is to be located north of the existing masonry building), and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance for the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 782 Aero Drive, and has rendered a determination that the Special Permit will not have a significant effect on the environment, subject to the following conditions:

1. screening of the automotive storage area as directed by the Planning Board
2. the existing driveway be eliminated and a new wider driveway be installed further to the east
3. the stone area to the rear of the parcel be eliminated, leveled and seeded.

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 conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

* See next two (2) pages for legal description.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. eighty-one (81), Township eleven (11), Range seven (7) of the the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the south line of lands heretofore conveyed by Joseph Foisset and Mary Foisset, his Wife, to Alberty Ryley by Deed recorded June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at page 34, said point being eight hundred one and ninety-five hundredths (801.95) feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81 and along the said south line of lands of said Albert Ryley, sixty-eight and seven hundredths (68.07) feet to a point; running thence southerly five hundred fifty-four and nine tenths (554.9) feet to the northerly line of Aero Drive laid out as a highway seventy (70) feet wide; thence in a southwesterly direction along said northerly line of Aero Drive seventy (70) feet to a point; thence northerly and parallel with the westerly line of Lot No. seventy-seven (77), a distance of five hundred seventy and seventy-five hundredths (570.75) feet to the point or place of beginning.

RECEIVED
\$ <u>440</u>
REAL ESTATE
NOV 9 1979
TRANSFER TAX
ERIE
COUNTY

LIBER 8851 PAGE 330

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

Scott Benson
....., 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..... JUN 22 1989
last publication..... JUN 22 1989
and that no more than six days intervened be-
tween publications.

.....
Scott Benson
.....

Sworn to before me this JUN 22 1989

day of, 19.....

.....
Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

NO. 16

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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 81, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southerly line of lands conveyed to Albert Ryley by deed dated June 11, 1952, which deed was recorded in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, which point of beginning is the northeast corner of lands conveyed to Ronald Lipp and Carol Lipp, his wife, by Mary Ylmar by a deed recorded in the Erie County Clerk's Office in Liber 8851 of Deeds at Page 330, and which point of beginning is also the northwest corner of lands conveyed to Syracuse Supply Company by Paul M. Pfohl, Fidelis H. Pfohl, Joseph Pfohl, and Richard Pfohl, doing business as Pfohl Enterprises by a deed recorded in the Erie County Clerk's Office in Liber 7603 of Deeds at Page 93; running thence easterly and along the north lines of lands so conveyed to Syracuse Supply Company, 58.35 feet to a point, which point is the northeast corner of lands so conveyed to Syracuse Supply Company, and which point is also the northwest corner of Parcel II of lands conveyed to Syracuse Supply Company by Sadie M. Moran by a deed recorded in the Erie County Clerk's Office in Liber 7603 of Deeds at Page 85; continuing thence easterly and along the north line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 48.63 feet to the northeast corner of said Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran; thence southerly and along the east line of Parcel II of the lands so conveyed to Syracuse Supply Company by Sadie M. Moran, 529.99 feet to a point in the northerly line of Aero Drive; running thence westerly along the northerly line of Aero Drive and along the south lines of lands so conveyed to Syracuse Supply Company by Sadie M. Moran and by Paul M. Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl, 110 feet to a point which is the southeast corner of lands so conveyed to Ronald Lipp and Carol Lipp, as aforesaid; running thence northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, as aforesaid; running northerly and along the east line of land so conveyed to Ronald Lipp and Carol Lipp, 554.90 feet to the place of beginning.

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. eighty-one (81), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the south line of lands heretofore conveyed by Joseph Foisset and Mary Foisset, his Wife, to Albert Ryley by Deed recorded June 16, 1952 in the Erie County Clerk's Office in Liber 5134 of Deeds at Page 34, said point being eight hundred one and ninety-five hundredths (801.95) feet easterly of the west line of Lot No. 81, as measured along the said southerly line of said Albert Ryley, which said line is parallel to the north line of Lot No. 81; running thence easterly parallel with the north line of Lot No. 81 and along the said south line of lands of said Albert Ryley, sixty-eight and seven hundredths (68.07) feet to a point; running thence southerly five hundred fifty-four and nine tenths (554.9) feet to the northerly line of Aero Drive laid out as a highway seventy (70) feet wide; thence in a southwesterly direction along said northerly line of Aero Drive seventy (70) feet to a point; thence northerly and parallel with the westerly line of Lot No. seventy-seven (77), a distance of five hundred seventy and seventy-five hundredths (570.75) feet to the point or place of beginning.

**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 June, 1989 at 7:30 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

Motion by Councilman Kulyk and Seconded by Councilman Gabryszak

WHEREAS, Ronald E. Lipp has applied for a Special Permit for automobile and truck repair and collision work on property located at 782 Aero Drive, Cheektowaga, New York pursuant to Section 82.33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 5th day of June, 1989 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit provided petitioner installs a solid stockade fence fencing off a 60 foot by 60 foot area for storage of automobiles requiring major repairs (this fenced area is to be located north of the existing masonry building).

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 782 Aero Drive, and has rendered a determination that such rezoning will not have a significant effect on the environment, subject to the following conditions:

1. screening of the automotive storage area as directed by the Planning Board
2. the existing driveway be eliminated and a new wider driveway be installed further to the east.
3. the stone area to the rear of the parcel be eliminated, leveled and seeded.

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 conditions recommended by the Cheektowaga Planning Board and the Town Environmental Advisory Committee.

Upon roll call.....

**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 June 19, 1989, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meeting of said Board, and such minutes appear at item No. 4b, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 19th day of June, 1989.

RICHARD M. MOLESKI
 Town Clerk
PUBLISH: June 22, 1989

Notary Public State of New York
 My Commission Expires 12/31/92
 Qualified in Erie County

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

WHEREAS, Belmont Shelter Corporation has petitioned for the rezoning from R-Residential District to RS-Senior Citizen Housing District of property owned by Bernard DiPizio and 1 and located at the former Immaculate Heart Orphanage on William Street, 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 19th day of June, 1989 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard, at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, subject to the following conditions:

1. Engineering Department must approve drainage
2. The N.Y.S. Department of Historic Preservation must approve the design and remodeling of the building.

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 Belmont Shelter Corporation for the rezoning from R-Residential District to RS-Senior Citizen Housing District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions recommended by the Environmental Advisory Committee, and BE IT FURTHER

RESOLVED that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

* See next page for legal description

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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 23, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows: Beginning at the intersection of the easterly line of Kennedy Avenue (49.5' wide) with the southerly line of Columbus Avenue (60.0' wide), thence easterly along the southerly lines of Columbus Avenue 528' to a point, thence southerly along a line drawn parallel with said easterly line of Kennedy Avenue 380' to a point, thence westerly along a line drawn parallel with the southerly line of Columbus Avenue, 528' to a point in the easterly line of Kennedy Avenue, thence northerly along said easterly line of Kennedy Avenue, 380' to the point or place of beginning.

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

..... Scott Benson, 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..... JUN 22 1989..... ;
last publication..... JUN 22 1989..... ;
and that no more than six days intervned be-
tween publications.

..... *Scott Benson*

JUN 22 1989

Sworn to before me this

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

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 23, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows: Beginning at the intersection of the easterly line of Kennedy Avenue (49.5' wide) with the southerly line of Columbus Avenue (60.0' wide), thence easterly along the southerly lines of Columbus Avenue 528' to a point, thence southerly along a line drawn parallel with said easterly line of Kennedy Avenue 380' to a point, thence westerly along a line drawn parallel with the southerly line of Columbus Avenue, 528' to a point in the easterly line of Kennedy Avenue, thence northerly along said easterly line of Kennedy Avenue, 380' to the point or place of beginning.

**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 June 19, 1989, 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. 4c, 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 June, 1989.

**RICHARD M. MOLESKI
Town Clerk**

PUBLISH: June 22, 1989 34

**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 June, 1989 at 7:30 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
Motion by Councilman Johnson and Seconded by Councilman Kulyk

WHEREAS, Belmont Shelter Corporation has petitioned for the rezoning from R-Residential District to RS-Senior Citizen Housing District of property owned by Bernard DiPizio and 1 and located at the former Immaculate Heart Orphanage on William Street, 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 19th day of June, 1989 at 7:00 o'clock P.M., after publication and service of notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has rendered a determination that such rezoning will not have a significant effect on the environment, subject to the following conditions:

1. Engineering Department must approve drainage

2. The N.Y.S. Department of Historic Preservation must approve the design and remodeling of the building.

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 the Belmont Shelter Corporation for the rezoning from R-Residential District to RS-Senior Citizen Housing District of the property specified in the attached legal description be and the same is hereby approved subject to the condition recommended by the 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.

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

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

WHEREAS, properties fronting on Walden Avenue between the Buffalo City line and Harlem Road are presently in the CM-General Commercial zoning district, and

WHEREAS, it is this Board's position that the present zoning district classification of a number of properties in this area appear to be incompatible with present uses, adjacent uses and surrounding properties, and

WHEREAS, with the planning and anticipation of a 55 acre commercial/industrial park south of Walden Avenue and adjacent to the above referenced Walden Avenue properties, further changes and development of this area are to be expected, and

WHEREAS, in the late 1970's-early 1980's, the Town was engaged in the Walden Avenue Revitalization Program and expended a large amount of community development funds for various improvements to properties along Walden Avenue, and

WHEREAS, with the accelerating changes occurring in the Walden Avenue area, there is a great potential for future development of this area, and this Town Board wishes to ensure the proper and coordinated development of such area, and

WHEREAS, presently, the Planning Consultant to the Cheektowaga Economic Development Corporation and the Town Planning Board are studying this area of Town to devise a zoning classification and development scheme for same, and

WHEREAS, the courts have said that a local legislature may by interim or stop-gap ordinance stop for a reasonable time the commencement of building in an area under immediate consideration for zoning or rezoning, and

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on the issuance of permits has been found to be appropriate in circumstances such as are presented in the Walden Avenue area, and

WHEREAS, this Town Board desires to temporarily stop the issuance of building permits along properties fronting on Walden Avenue between the Buffalo City line and Harlem Road, 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 3rd day of July, 1989 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether a "SPECIAL REVIEW ZONING DISTRICT ORDINANCE" shall be enacted, and BE IT FURTHER

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

* * * * *

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 3rd day of July, 1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Special Review Zoning District Ordinance:

Item No. 5a cont'd

SPECIAL REVIEW ZONING DISTRICT ORDINANCE

- 1. For a period of 60 days, the following area is declared a Special Review Zoning District:

Property fronting on Walden Avenue (north and south sides) from the Buffalo City line east to the west line of Harlem Road

- 2. All departments, agencies and authorities of the Town are directed to withhold the issuance of any permits for:
 - a. new construction;
 - b. construction creating an extension/expansion of an existing use; and
 - c. construction creating a change of use.

for properties described in subdivision 1 of this Ordinance.

- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

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

Dated: June 19, 1989

RICHARD M. MOLESKI
Town Clerk

* * * * *

MOTION BY COUNCILMAN JOHNSON, 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 amendment is as follows.

* * * * *

Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz
Councilman Johnson
Councilman Gabryszak

WHEREAS, properties fronting on Walden Avenue between the Buffalo City line and Harlem Road are presently in the CM-General Commercial zoning district, and

Item No. 5a cont'd

WHEREAS, it is this Board's position that the present zoning district classification of a number of properties in this area appear to be incompatible with present uses, adjacent uses and surrounding properties, and

WHEREAS, with the planning and anticipation of a 55 acre commercial/ industrial park south of Walden Avenue and adjacent to the above referenced Walden Avenue properties, further changes and development of this area are to be expected, and

WHEREAS, in the late 1970's-early 1980's, the Town was engaged in the Walden Avenue Revitalization Program and expended a large amount of community development funds for various improvements to properties along Walden Avenue, and

WHEREAS, with the accelerating changes occurring in the Walden Avenue area, there is a great potential for future development of this area, and this Town Board wishes to ensure the proper and coordinated development of such area, and

WHEREAS, presently, the Planning Consultant to the Cheektowaga Economic Development Corporation and the Town Planning Board are studying this area of Town to devise a zoning classification and development scheme for same, and

WHEREAS, the courts have said that a local legislature may by interim or stop-gap ordinance stop for a reasonable time the commencement of building in an area under immediate consideration for zoning or rezoning, and

WHEREAS, such interim or stop-gap ordinance or calling of a moratorium on the issuance of permits has been found to be appropriate in circumstances such as are presented in the Walden Avenue area, and

WHEREAS, this Town Board desires to temporarily stop the issuance of building permits along properties fronting on Walden Avenue between the Buffalo City line and Harlem Road, 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 3rd day of July, 1989 at 7:00 o'clock P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether a "SPECIAL REVIEW ZONING DISTRICT ORDINANCE" shall be enacted, and BE IT FURTHER

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

* * * * *

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 3rd day of July, c1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Special Review Zoning District Ordinance:

SPECIAL REVIEW ZONING DISTRICT ORDINANCE

1. For a period of 90 days, the following area is declared a Special Review Zoning District:

Property fronting on Walden Avenue (north and south sides) from the Buffalo City line east to the west line of Harlem Road

Item No. 5a cont'd

- 2. All departments, agencies and authorities of the Town are directed to withhold the issuance of any permits for:
 - a. new construction;
 - b. construction creating an extension/expansion of an existing use (excluding one-and two-family residential structures); and
 - c. construction creating a change of use.

for properties described in subdivision 1 of this Ordinance.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

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

Dated: June 19, 1989

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.

Scott Benson
....., 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..... JUN 22 1989..... ;
last publication..... JUN 22 1989..... ;
and that no more than six days intervned be-
tween publications.

Scott Benson
.....

Sworn to before me this JUN 22 1989.....

day of, 19.....

Eve J. Allis
.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

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 3rd day of July, 1989 at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the adoption of the following Special Review Zoning District Ordinance:

SPECIAL REVIEW ZONING DISTRICT ORDINANCE

1. For a period of 90 days, the following area is declared a Special Review Zoning District:

Property fronting on Walden Avenue (north and south sides) from the Buffalo City line east to the west line of Harlem Road.

2. All departments, agencies and authorities of the Town are directed to withhold the issuance of any permits for:

- a. new construction;
- b. construction creating an extension/expansion of an existing use (excluding one- and two-family residential structures); and
- c. construction creating a change of use.

for properties described in Subdivision 1 of this Ordinance.

3. The Town Board of the Town of Cheektowaga shall have the power to

LEGAL NOTICES

vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
RICHARD M. MOLESKI
Town Clerk
PUBLISH: June 22, 1989

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires...

Item No. 5b Motion by Councilman Kulyk, Seconded by Councilman Solecki

WHEREAS, Benderson Development Co., Inc. has made application and requested a Special Use Permit to erect a Retail Plaza on property located at 3735 Union Road, said applicant being the owner of the property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 3rd, 1989 at 7:00 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

..... Scott Benson, 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..... JUN 22 1989 ;
last publication..... JUN 22 1989 ;
and that no more than six days intervned be-
tween publications.

..... Scott Benson

Sworn to before me this JUN 22 1989

day of, 19.....

..... Eve J. Allis

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 11 and 12, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows: BEGINNING at a point on the east line of Union Road (as widened by a taking by the State of New York recorded in Liber 3877 of Deeds at page 118) 452 feet south of the north line of Lot No. 11; thence easterly and parallel to the north line of Lot No. 11, 429.30 feet to a point; thence southerly at right angles, 15.0 feet to a point; thence easterly at right angles, 140.0 feet to a point; thence northerly at right angles 15.0 feet to a point; thence easterly at right angles and parallel to the north line of Lot No. 11, 616.22 feet to a point; thence northerly and parallel to the west line of Lot No. 11, 452.0 feet to a point on the north line of Lot No. 11 and also the south line of Lot No. 12; thence easterly along the north line of Lot No. 11 and also along the souther line of Lot No. 12, 156.39 feet to a point on the west line of Ellsworth Drive (60 feet wide); thence northerly along the west line of Ellsworth Drive, 100.88 feet to a point on a line drawn parallel to the south line of Lot No. 12 and distant 100 feet northerly therefrom as measured at right angles thereto; thence westerly along said last described parallel line, 806.56 feet to the southwest corner of lands conveyed to The Town of Cheektowaga by Deed recorded in Liber 6950 of Deeds at page 373; thence northerly along the west line of the lands conveyed to The Town of Cheektowaga by Deed aforesaid, 159.38 feet to a point on the north line of lands conveyed to Edward Statler and Wanda Statler, his wife by deed recorded in Liber 4607 of Deeds at page 423; thence westerly along the north line of lands conveyed to Statler by deed aforesaid, 539.41 feet to a point on the line of Union Road (as widened by a taking by the State of New York recorded in Liber 3861 of Deeds at page 432); thence southerly along the Union Road (as so widened), 259.47 feet to the point of intersection of the line of Union Road (as so widened) with the north line of Lot No. 11 and the south line of Lot No. 12; thence easterly along the north line of Lot No. 11 and also along the south line of Lot No. 12, 325.62 feet to a point; thence southeasterly at an exterior angle of 116 degrees 16' 20", 108.67 feet to a point; thence southwesterly at an exterior angle of 107 degrees 59' 20", 298.54 feet to a point; thence westerly at an exterior angle of 140 degrees 10' 20", 119.38 feet to a point; thence continuing westerly at an exterior angle of 169 degrees 46' 40", 50.0 feet to a point on the east line of Union Road (as widened by a taking by the State of New York recorded in Liber 3877 of Deeds at page 118); thence southerly along the east line of Union Road (as so widened), 142.05 feet to the point or place of beginning.

PUBLISH: June 22, 1989

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 3rd day of JULY, 1989 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of BENDERSON DEV. CO., INC. for a Special Permit to operate a tire service center on property located at 3735 UNION ROAD pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

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

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. 11, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows: BEGINNING at a point on the east line of Union Road (as widened by a taking by the State of New York recorded in Liber 3877 of Deeds at page 118) 452 feet south of the north line of Lot No. 11; thence easterly and parallel to the north line of Lot No. 11, 429.30 feet to a point; thence southerly at right angles, 15.0 feet to a point; thence easterly at right angles, 140.0 feet to a point; thence northerly at right angles 15.0 feet to a point; thence easterly at right angles and parallel to the north line of Lot No. 11, 616.22 feet to a point; thence southerly and parallel to the west line of Lot No. 11, 685.18 feet to a point; thence westerly and parallel to the north line of Lot No. 11, 932.86 feet to the southeast corner of a 2-1/2 acre parcel of land excepted in a deed recorded in Liber 4597 of Deeds at page 199; thence northerly parallel to the west line of Lot No. 11, and along the east line of said 2-1/2 acre parcel of land, 435.60 feet to the northeast corner of said 2-1/2 acre parcel of land; thence westerly parallel to the north line of Lot No. 11 and along the northerly line of said 2-1/2 acre parcel of land, 252.66 feet to the northwest corner of said 2-1/2 acre parcel of land, which is also a point on the east line of Union Road; thence northerly along the east line of Union Road, 249.58 feet to the point or place of beginning.

TOGETHER with the benefits of a Reciprocal Easement and Operation Agreement made between Aero Drive-In Inc. and Holiday-Union Associates, L.P., dated and recorded in Liber of Deeds at page granting rights over the following described lands.

MEETING NO. 15
June 19, 1989

Item No. 5b Motion by Councilman Kulyk, Seconded by Supervisor Swiatek

WHEREAS, Edwin L. Laupmanis Highland Superstores, Inc. has made application and requested a Special Use Permit to erect an Appliance Store on property located at the Thruway Mall-East Lot, with the permission of the property owner, namely; Transamerica Part III (Thruway Mall), NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 3rd, 1989 at 7:00 P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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

..... Scott Benson, 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..... JUN 22 1989 ;
last publication..... JUN 22 1989 ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 22 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

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 3rd day of JULY, 1989 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVINGS Time of said day for the purpose of considering the application of EDWIN L. LAUPMANIS/HIGHLAND STORES INC. for a Special Permit to operate appliance store & public garage on property located at THRUWAY MALL - EAST LOT pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.

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

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman Patricia A. Jaworowicz

Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Leo T. Kazukiewicz
Councilman Richard B. Solecki
RICHARD M. MOLESKI
Town Clerk

DEED DESCRIPTION:
Harlem Road and Walden Avenue, southeast corner of Thruway Mall abutting Skating Rink Building and General Cinema Theatres.

PUBLISH: June 22, 1989

211A 1 3V3

My Commission Expires 12/31/90
Qualified in Erie County
Notary Public State of New York
EVE J. ALIZ

Item No. 6a Motion by Supervisor Swiatek, Seconded by Councilman Solecki

WHEREAS, the Town Board awarded contracts for the purchase of a 1/2 ton pick-up truck to Town Ford and a one ton dump truck to Basil Ford on June 5, 1989, and

WHEREAS, the account number reflected on these resolutions was erroneously stated as 05862251320315, NOW, THEREFORE, BE IT

RESOLVED that the account number for these resolutions be hereby amended to 05513089041201.

Upon Roll Call....

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

Item No. 6b Motion by Supervisor Swiatek, Seconded by Councilman Solecki

WHEREAS, by Town Board Resolution of June 5, 1989 a temporary loan/transfer in the amount of \$17,000.00 was authorized for the payments to contractors on project 05-7110-8907-1202, and

WHEREAS, the total contract amount of the project is \$53,000.00, NOW, THEREFORE, BE IT

RESOLVED that the fourth paragraph of the resolution dated June 5, 1989 be and hereby is amended to read as follows:

"RESOLVED that a temporary loan/transfer of \$53,000.00 be made from capital project #37, effective immediately, and that interest income relating to these amounts be credited to capital project #37."

Upon Roll Call....

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

Item No. 7 Motion by Councilman Solecki, Seconded by Councilman Jaworowicz

WHEREAS, previously it had been required by the Erie County Board of Elections that the Town of Cheektowaga maintain and operate 111 polling places for the purpose of registering voters each year, and

WHEREAS, more than one-half of the qualified voters are registered in the Town of Cheektowaga as required by the laws of the State of New York as a prerequisite for consolidation, and

WHEREAS, the consolidation of 111 Election Districts will result in substantial savings of approximately \$30,000, and

WHEREAS, the consolidation will also eliminate and reduce many of the functional details; namely,

1. The manpower requirements
2. Distribution of supplies to election inspectors
3. Mailing of notices to polling places and election inspectors
4. Rental of polling places
5. Use of Town recreational and facility buildings
6. Various processing details
7. Many other time-consuming and operational requirements for the purpose of registration.

and

Item No. 7 cont'd

WHEREAS, Federal legislation has provided for mail-in registration which has proved highly successful in that many citizens have made use of this procedure for registration, and

WHEREAS, the Town Clerk has petitioned the Erie County Board of Elections for permission to consolidate for registration purposes, and

WHEREAS, the Erie County Board of Elections has granted said permission to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is authorized to consolidate for Registration Days only the 111 Election Districts to one central location, namely, the Council Chambers, Cheektowaga Town Hall, Broadway Broadway and Union Road, Cheektowaga, New York.

Upon Roll Call....

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

Item No. 8 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, this Town Board strongly supports the objectives and goals of the State of New York in its highway reconstruction and improvement program under the 1988 Highway Bond Issue, and

WHEREAS, the reconstruction of Harlem Road from Cleveland Drive southward to McNaughton Avenue is a project designated to be completed through funding from said State Highway Bond Issue, and

WHEREAS, recent rainfall events have proven that the existing storm drainage system along Harlem Road is totally inadequate for the provision of highway drainage and the conveyance of storm waters from abutting properties and tributary Town highways, and

WHEREAS, major flood protection benefits would accrue to tributary drainage systems in the northwest portion of the Town with the inclusion of a storm drainage system with sufficient capacity construction in conjunction with the Harlem Road Reconstruction Project, which would transport storm waters southward to Scajaquada Creek, NOW, THEREFORE, BE IT

RESOLVED that this Town Board appeals to the New York State Department of Transportation to design and implement highway and drainage improvements on Harlem Road from Cleveland Drive southward to McNaughton Avenue within the earliest possible timetable, and BE IT FURTHER

RESOLVED that this Town Board hereby requests that, in the interim, the New York State Department of Transportation (NYSDOT) undertake immediate efforts to clean and maintain the Harlem Road storm sewer and ditch system, and BE IT FURTHER

RESOLVED that certified copies of this resolution be sent to:

R.J. Russell, Regional Director, NYSDOT

State Senator Dale Volker

Assemblyman Paul Tokasz, and

The Niagara Frontier Transportation Committee

Upon Roll Call....

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

Item No. 9 Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) commissioned the preparation of a Master Plan/Terminal Area Plan, which Master Plan has been issued and revised and which Draft Final Report dated April 1989 has a five (5) year plan of improvements at the Greater Buffalo International Airport (GBIA), and

WHEREAS, the NFTA will cooperate in assisting in the relocation of any businesses which will be displaced under the 5 Year Improvement Program and is also cognizant of the need for a Storm Water Management Program so as to control runoff from the Airport and Westinghouse property, and

WHEREAS, the Town of Cheektowaga has commissioned an upstream drainage impact report, which report addresses the current and future contribution of airport runoff to the U-Crest/Scajaquada Creek system, NOW, THEREFORE, BE IT

RESOLVED that this Town board asks that the NFTA, in the spirit of cooperation with the Town of Cheektowaga in the control of storm waters tributary to the U-Crest Ditch, incorporate into its Master Plan/Terminal Area Plan, the construction of two (2) detention basins as recommended in the May 19, 1989 U-Crest Storm Water Management Report prepared by Nussbaumer & Clarke, Inc., and BE IT FURTHER

RESOLVED that said detention facilities and on-site storm water management recommendations set forth in the Nussbaumer & Clarke, Inc. study, be constructed and/or implemented by the NFTA, and BE IT FURTHER

RESOLVED that certified copies of this resolution be submitted to the NFTA, the Erie and Niagara Counties Regional Planning Board, New York State Department of Transportation and the Federal Aviation Administration, and BE IT FURTHER

RESOLVED that copies of Nussbaumer & Clarke's report be supplied to these respective agencies.

Upon Roll Call....

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

Item No. 10a Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Town has previously received approval of a grant from the New York State Affordable Housing Corporation for the rehabilitation of homes owned by low-income elderly homeowners in the Walden Avenue and Cedargrove Heights target areas, and

WHEREAS, the Supervisor has executed a contract with the New York state Affordable Corporation for said grant funds, and

WHEREAS, said grant funds will be used in conjunction with the Town's Housing Rehabilitation Loan Program, and

WHEREAS, the Town Supervisor has been previously authorized to sign loan agreements with eligible homeowners receiving loans through the Town's Housing Rehabilitation Loan Program, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is hereby authorized to approve Grant Authorizations for elderly, low-income homeowners in the Walden Avenue and Cedargrove Heights target areas who meet program eligibility requirements in conformance with the Grant Agreement between the Town and the New York State Affordable Housing Corporation in order to implement said program.

Upon Roll Call....

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

MEETING NO. 15
June 19, 1989

Item No. 10b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau is in need of two vehicles for use as part of the New York State Conservation Corps Program, and

WHEREAS, Economy Truck Rental has proposed a rental agreement for said vehicles, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is directed to execute such lease/rental agreement, and BE IT FURTHER

RESOLVED that the Town shall also accept the Collision Damage Waiver for the rental of such vehicles, and BE IT FURTHER

RESOLVED that monies for the rental of such vehicles shall be appropriated out of the New York State Conservation Corps budget, not to exceed \$3700.00, Account No. 0173100044084.

Upon Roll Call....

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

Item No. 11 Motion by Supervisor Swiatek, Seconded by Councilman Solecki

RESOLVED that the Town Board of the Town of Cheektowaga, pursuant to Section 25 of the Town Law and Section 11(2) of the Public Officers Law, hereby approves the execution of a Public Employees' Blanket Bond issued by the Fidelity and Deposit Company of Maryland, a surety company authorized to transact business in the State of New York, covering all officers and employees, including the Supervisor, Deputy Supervisor, Town Clerk, Superintendent of Highways, Receiver of Taxes and two (2) Justices of the Peace for the sum of \$100,000.00 per occurrence, and, BE IT FURTHER

RESOLVED that the aforementioned undertaking shall include an additional coverage of \$200,000.00 each for the following officers of the Town:

Supervisor
Deputy Supervisor
Receiver of Taxes

and BE IT FURTHER

RESOLVED that the expenses of the aforementioned undertakings shall be a charge against the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the aforementioned undertakings shall be effective March 30, 1989, Account #01-19100044101.

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, H.O.M. Development Corp. entered into an agreement with the Town of Cheektowaga, said agreement dated February 24, 1988, relative to financial participation for the acquisition and professional fees associated in acquiring lands necessary to construct a sidewalk connecting Phase I and Phase II of the Greenwood Village Subdivision, the aforesaid agreement requiring that \$1,500.00 be placed in escrow with the town, and

Item No. 12 cont'd

WHEREAS, the terms of the aforesaid agreement have been met in as much as the Town of Cheektowaga has acquired title through condemnation proceedings of a triangular shaped piece of property allowing connection of the sidewalk between Phase I and Phase II, and H.O.M. Development Corp. has constructed the necessary sidewalk at its sole cost and expense, and

WHEREAS, the February 24, 1988 Agreement required H.O.M. Development Corp. to reimburse the town for fifty percent (50%) of the Town's property acquisition costs, secured by a \$1,500.00 escrow deposit with H.O.M. Development's share amounting to \$493.00, NOW, THEREFORE, BE IT

RESOLVED that the escrow funds which exceed H.O.M. Development's share of \$493.00 in the amount of \$1,007.00 shall be returned to the H.O.M. Development Corp. from Account No. 0608890000, and BE IT FURTHER

RESOLVED that this escrow release of \$1,007.00 to H.O.M. Development shall act to conclude the terms of the aforesaid agreement, and BE IT FURTHER

RESOLVED that the funds remaining in escrow Account No. 060889000 shall be retained by the Town and be utilized to fund the costs associated with the aforesaid condemnation proceedings.

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 Supervisor Swiatek

WHEREAS, the Town of Cheektowaga is planning to file a Municipal Park Project under the Environmental Quality Bond Act of 1986 for renovation of the Alexander Street School, and

WHEREAS, each approved project may receive up to 50% reimbursement of the total cost of the project, and

WHEREAS, the Town has bond authorization up to \$355,000 for Phase I renovation at the Alexander Street School and may expend funds prior to the submission of the application which is due by September 15, 1989, and BE IT FURTHER

RESOLVED that the Town of Cheektowaga apply for a Waiver of Retroactivity, which will enable all current expenditures to be eligible for 50% Grant Funds should the total project be approved.

Upon Roll Call....

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

Item No. 14 Support of legislation regarding Pro-Life Amendment
This item was withdrawn.

Item No. 15 Motion by Councilman Kulyk, Seconded by Councilman Solecki

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

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

MEETING NO. 15
June 19, 1989

Item No. 15 cont'd

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

WHEREAS, the Advisory Committee, at its meeting held on June 9, 1989, rendered the determinations shown on the attached memo dated June 12, 1989, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the June 12, 1989 memo attached hereto:

Item I	493 Kennedy Road
Item IV	4219 Genesee Street

* See next three (3) pages for memo

Upon Roll Call....

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

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: June 12, 1989

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on June 9, 1989, in the Town Hall Council Chambers.

ITEM I 493 Kennedy Road - Proposed Construction Of
Industrial Buildings

Applicant: Marfinn Inc.

Determination: Non-Significant

The applicant had been before the Committee previously and was informed that he must provide information on the private storm and/or sanitary sewer that may be located on the property. He has since contacted Engineering and submitted additional drawings, as well as, a new landscape plan. As a result of his investigation of the location of sewer lines, he has reduced the number of buildings from three to two and has reduced the overall square footage to be constructed. Instead of one 1,600 sq. ft. building and two 4,800 sq. ft. buildings there will be one 6,000 sq. ft. building and one 4,000 sq. ft. building. He has satisfied the Engineering Department with regard to sewer locations and placement of the building. He has also located the fire hydrants for the Fire Inspector and is in compliance with the State Building Code requirements. Landscaping will be in compliance and he will provide a detention basin at the front of the property for storm drainage.

TOWN CLERK
MEMORANDUM

1989 JUN 15 PM 12:27

RECEIVED

RE: EQR - June 9, 1989
June 12, 1989
Page: 2

This use is compatible with the surrounding uses as well as the Master Plan for the area.

ITEM II 5 French Road - Proposed Rezoning From C
to CM For An Oil Change
Operation

Applicant: Don Marrow

Determination: Non-Significant With Recommendation
The proposed use, an oil change and lubrication operation, is compatible with the surrounding uses. At the present time there is a car wash located at 35 French Road and a Goodyear Tire Center that is scheduled to be constructed within the Garden Village Plaza. The Developer proposes to utilize the existing driveways, demolish the existing building, and construct a new facility. It is the recommendation of this Committee that the applicant be requested to split the property and rezone only the portion to be used for the oil change operation. To rezone the entire parcel without knowledge of what will be established at the other end would not be consistent with Town policy.

ITEM III 55 Acre Walden Avenue Industrial Park

Applicant: Town of Cheektowaga

The Committee discussed further this item that they previously found to be non-significant and urges the Town Board to pursue access of for all truck traffic to Harlem Road leaving only an emergency access road from Walden Avenue. Further the Committee urges the Cheektowaga Economic Development Corp. to closely monitor the uses that will be proposed for the park and to require a larger buffer zone along the Walden Avenue properties than the Ordinance presently requires.

ITEM IV 4219 Genesee St. - Proposed Construction Of A
McDonalds Restaurant

Applicant: McDonalds Corp.

Determination: Non-Significant With Stipulation

MEETING NO. 15
June 19, 1989

Item No. 16 Motion by Councilman Kazukiewicz, Seconded by Councilman Johnson

WHEREAS, by resolutions dated March 20, 1989 and June 5, 1989, this Town Board established a Veterans Memorial Capital Project and entered into a contract for the construction of a Veterans Memorial monument, and

WHEREAS, on May 1, 1989, this Town Board approved bonding in the amount of \$53,000 for such monument, and

WHEREAS, various veterans groups have initiated a campaign to solicit private funding to assist the Town in paying for such memorial, and

WHEREAS, the Town has received \$1,041.00 from various individuals and groups to be used towards the construction of the Veterans Memorial monument, and

WHEREAS, Section 64(8) of the Town Law of the State of New York authorizes this Town Board to accept gifts upon terms and conditions prescribed by donors, and

WHEREAS, this Town Board is willing to accept the \$1,041.00 in gifts from the individuals/groups listed below upon the condition that such moneys be used towards the costs for the construction of the Veterans Memorial monument, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby agrees to accept the \$1,041.00 from the following individuals/groups, such moneys to be used for the construction of the Veterans Memorial monument:

Cheektowaga Retiree's Association
St. Ann's Ladies Sodality of Most Holy Redeemer Church
Pine Hill Home Bureau
American Legion, Kensington Post #708
Francis J. Donovan Post
Am Vets Erie County Council
Am Vets Hank Nowak Auxiliary
Red Jacket Post VFW No. 3068
Michael D. & Cheryl A. Fecter
Franklin F. & Shirley M. Baumgartner
Cub Scout Pack #54
G. Audrey Ryan
Harriet Penny, Ann Bleisteiner, Joan Cyrankowski
M. Barry and I. Fabozzi

and BE IT FURTHER

RESOLVED that such moneys shall be deposited into Trust and Agency Account No. 06-0875-0000-0000, to be thereafter transferred into the Veterans Memorial Capital Project account to be used for construction of the Veterans Memorial Monument.

Upon Roll Call....

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

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

WHEREAS, bids were duly received by this Town Board at a bid opening on June 16th, 1989 for Two (2) New and Unused 1990 Model Tandem Drive Axle, Dump Trucks with snow plows, wing plows, plow riggings and salt spreaders to be purchased by the Town Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, NOW, THEREFORE, BE IT

MEETING NO. 15
June 19, 1989

Item No. 17a cont'd

RESOLVED that the bid be awarded to Buffalo Truck Sales & Service, Inc., 85 Michigan Avenue, Buffalo, New York 14204 for a final price after trade-in of \$160 644.00, and BE IT FURTHER

RESOLVED that monies to be charged to line item #05513089031203.

Upon Roll Call....

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

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

WHEREAS, bids were duly received by this Town Board at a bid opening on June 16th, 1989 for Three (3) New and Unused 1990 Model Single Drive Axle, Dump Trucks with snow plows, wing plows, plow riggings and salt spreaders to be purchased by the Town Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed, NOW, THEREFORE, BE IT

RESOLVED that the bid be awarded to Buffalo Truck Sales & Service, Inc., 85 Michigan Avenue, Buffalo, New York 14204 for a net price after trade-in of \$232,309.00, and BE IT FURTHER

RESOLVED that monies to be charged to line item #05862251320315.

Upon Roll Call....

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

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

WHEREAS, bids were duly received by this Town Board at a bid opening on June 2nd, 1989 for Planning and Texturizing Existing Pavement of Various Town of Cheektowaga Highways to varying widths and depths by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, Frontier Asphalt, Inc, P.O. Box 297, Cheektowaga, New York 14225, was awarded Option A & B - 1a, 1b, and

WHEREAS, Buffalo Crushed Stone, Inc., 2544 Clinton Street, P.O. Box 710, Buffalo, New York 14224, being the lowest responsible bidder meeting specifications for Option A & B - 1-c,d,e,f, and BE IT FURTHER

RESOLVED that the bid award for line items stated above be awarded to Buffalo Crushed Stone, Inc., 2544 Clinton Street, P.O. Box 710, Buffalo, New York 14224, and BE IT FURTHER

RESOLVED that all monies to be charged to line item #05862251320315.

Upon Roll Call....

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

MEETING NO. 15
June 19, 1989

Item No. 17d Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the application of a chemical root control agent to sanitary sewer lines in various locations in the Town of Cheektowaga, which bids were duly opened on May 30, 1989, and

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

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

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

RESOLVED that the costs for root control under this contract are to be appropriated and limited to the amount budgeted for root control under the appropriate Sewer District #5 budget line item #258125.0004.4475.

* See next page for letter

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

June 15, 1989

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

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

Gentlemen:

At a public bid opening on May 30, 1989, bids were received and publicly opened for the application of a chemical root control agent to sanitary sewer lines. One (1) bid was received as follows:

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

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

Very truly yours,

TOWN OF CHEEKTOWAGA

Henry A. Borkowski
Henry A. Borkowski
Engineering Aide

HAB:mjh

MEETING NO. 15
June 19, 1989

Item No. 17e Motion by Councilman Johnson, Seconded by Supervisor Swiatek

WHEREAS, New Erie Industrial Center, Inc. petitioned for the Town to construct a street improvement consisting of a new roadway, concrete curbing, storm drainage, lighting and a sewer along such street improvement, all in the New Erie Industrial Park (such improvements shall hereafter be referred to as "Infrastructure Improvements, New Erie Industrial Center"), and

WHEREAS, on November 21, 1988, this Town Board approved such petitions and bonding in the amount of \$420,000.00 for such purposes, and

WHEREAS, plans, specifications and bid documents for the Highway Lighting Improvements, New Erie Industrial Center were prepared and, on May 30, 1989, bid proposals for such work were received and opened, and

WHEREAS, such bid proposals were referred to Nussbaumer & Clarke, Inc., Consulting Engineer, for analysis, tabulation and report, and

WHEREAS, the report of Nussbaumer & Clarke, Inc. states that Weydman Electric, Inc. is the lowest responsible bidder for such project, NOW, THEREFORE, BE IT

RESOLVED that the bid for Highway Lighting Improvements, New Erie Industrial Center be and hereby is awarded to:

Weydman Electric, Inc.
747 Young Street
Tonawanda, New York 14150

the lowest responsible bidder meeting specifications, for a total bid price of \$22,184.00, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign the agreement with Weydman Electric, Inc. for the Highway Lighting Improvements, New Erie Industrial Center Project, and BE IT FURTHER

RESOLVED that monies for the Highway Lighting Improvements in connection with the subject construction contract shall be paid from the following account: 05-1440-8824-1100.

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, a Notice to Bidders was duly published for the receipt of bids for the purchase of Portable Multi-Gas Monitoring Instrument for Confined Space Entry, which bids were duly received and opened at the May 30, 1989 public bid opening, and

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

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

RESOLVED that the contract for the purchase of Portable Multi-Gas Monitoring Instrument for Confined Space Entry be and hereby is awarded to:

EIRTECH INSTRUMENTS, INC.
1460 RIDGE ROAD
EAST ROCHESTER, NEW YORK 14621

at the bid prices listed below:

MEETING NO. 15
June 19, 1989

Item No. 17f cont'd

ITEM I - Portable Multi-Gas Monitoring Instrument for Confined Space Entry
(Gastech 72-7515, Model GX-86)

In quantities of 1-3 units \$2,075.00 each
In quantities of 4-8 units \$2,000.00 each

ITEM II - Confined Space Entry Kit C/W GX-86
(Gastech 72-8515, Model GX-86)

In quantities of 1-3 units \$2,595.00 each
In quantities of 4-8 units \$2,475.00 each

and BE IT FURTHER

RESOLVED that funds for the purchase of said instrument(s) for use by
the Town Sewer Maintenance Department are to be from Account #25-8125-0004-2505.

* See next two (2) pages for report

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

June 13, 1989

TO SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Award of Bid
Portable Multi-Gas Monitoring Instrument
for Confined Space Entry

Gentlemen:

At a public bid opening on May 30, 1989 bids were received and publicly opened for a Portable Multi-Gas Monitoring Instrument for Confined Space Entry. One (1) bid was received as follows:

BIDDER:	EIRTECH INSTRUMENTS INC. 1460 Ridge Road East Rochester, New York 14621
ITEM I	Portable Multi-Gas Monitoring Instrument for Confined Space Entry (Gastech 72-7515, Model GX-86)
	In quantities of 1-3 units \$2,075.00 each
	In quantities of 4-8 units \$2,000.00 each
ITEM II	Confined Space Entry Kit C/W GX-86 (Gastech 72-8515, Model GX-86)
	In quantities of 1-3 units \$2,595.00 each
	In quantities of 4-8 units \$2,475.00 each

The Gastech Portable Monitor, as specified and as bid, is a portable four-gas monitor which samples and detects the presence of a hazardous atmosphere which may be present in a confined space such as a manhole or a pump station. This instrument detects that presence of combustible atmospheres, oxygen deficiency or an oxygen enriched atmosphere and detects the presence of hydrogen sulfide and carbon monoxide gasses, common to sanitary sewers, which are toxic to humans.

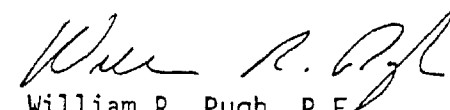
SUPERVISOR SWIATEK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Award of Bid
Portable Multi-Gas Monitoring Instrument
for Confined Space Entry

This particular specification was drafted to address OSHA regulations relative to worker safety as it relates to confined space entry and was derived at after meeting with representatives of the Buffalo Sewer Authority, discussions with neighboring communities and reviewing the various instruments available in the marketplace. We would expect to purchase three (3) units at this time for use by our Sewer Maintenance staff and feel that the use of said instrument will contribute significantly to our worker safety program. We, therefore, recommend award to the sole bidder, who meets the bid specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA


William R. Pugh, P.E.
Assistant Town Engineer

WRP:mjh

MEETING NO. 15
June 19, 1989

Item No. 18a Motion by Councilman Kazukiewicz, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) New and Unused 1990 Model Trailer Mounted Self Contained Brush Chipper for use by the Cheektowaga Highway Department. Information to bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 30th, 1989 in the Council Chambers of the Town of Cheektowaga.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989-90 MODEL, TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER for use by the Cheektowaga Highway Department, at a public bid opening June 30th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE NEW AND UNUSED 1989-90 MODEL TRAILER MOUNTED-SELF CONTAINED BRUSH CHIPPER.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: June 19, 1989

PUBLISHED: June 22, 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.

.....Scott Benson....., 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..... JUN 22 1989..... ;
last publication..... JUN 22 1989..... ;
and that no more than six days intervened be-
tween publications.

.....*Scott Benson*.....

Sworn to before me this ...JUN 22 1989.....

day of, 19.....

.....*Eve J. Allis*.....

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of ONE (1) NEW AND UNUSED 1989-90 MODEL TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER for use by the Cheektowaga Highway Department, at a public bid opening JUNE 30th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE NEW AND UNUSED 1989-90 MODEL TRAILER MOUNTED SELF-CONTAINED BRUSH CHIPPER."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

**RICHARD MOLESKI,
TOWN CLERK**

PUBLISH: June 22, 1989

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

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

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of Four (4) New and Unused 1990 Model Trailer Mounted Vacuum Leaf Loaders for use by the Cheektowaga Highway Department. Information to bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on June 30th, 1989 in the Council Chambers of the Town of Cheektowaga.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of FOUR (4) NEW AND UNUSED 1989-90 MODEL, TRAILER MOUNTED VACUUM LEAF-LOADERS for use by the Cheektowaga Highway Department, at a public bid opening June 30th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR FOUR NEW AND UNUSED 1989-90 MODEL TRAILER MOUNTED VACUUM LEAF LOADERS.

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI
Town Clerk

DATED: June 19, 1989

PUBLISHED: June 22, 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.

Scott Benson
....., 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..... JUN 22 1989 ;
last publication..... JUN 22 1989 ;
and that no more than six days intervened be-
tween publications.

..... *Scott Benson*

Sworn to before me this JUN 22 1989

day of, 19.....

..... *Eve J. Allis*

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

EVE J. ALLIS
Notary Public, State of New York
Qualified In Erie County
My commission expires March 30, 1991

DATE
TIME
CUT

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of FOUR (4) NEW AND UNUSED 1989-90 MODEL TRAILER MOUNTED VACUUM LEAF-LOADERS for use by the Cheektowaga Highway Department, at a public bid opening JUNE 30th, 1989 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR FOUR NEW AND UNUSED 1989-90 MODEL TRAILER MOUNTED VACUUM LEAF LOADERS."

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

**RICHARD MOLESKI,
TOWN CLERK**

PUBLISH: June 22, 1989

EVE J. ALLIS
Notary Public, State of New York
Qualified in Erie County
My commission expires March 30, 1991

MEETING NO. 15
June 19, 1989

Item No. 19 Motion by Councilman Jaworowicz, Seconded by Councilman Kulyk

WHEREAS, the Agreement between the Town and the Chief and Assistant Chief of Police has expired on December 31, 1988, and

WHEREAS, negotiations took place between such parties for a new agreement for 1989, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached Agreement between the Town and the Chief and Assistant Chief of Police for the calendar year 1989.

* See next pages for the contract

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

This Agreement entered into by and between the Town of Cheektowaga, hereinafter referred to as the "Town" and the Chief of Police and Assistant Chief of Police, hereinafter referred to as either "Chief" or "Assistant Chief."

WHEREAS, the parties hereto have previously entered into Agreement setting forth the various terms and conditions of employment for the positions of Chief of Police and Assistant Chief of Police; and

WHEREAS, the last Agreement between the parties expired by its terms on December 31, 1988, and

WHEREAS, the parties are desirous of entering into a successor agreement setting forth terms and conditions of employment for the calendar year 1989,

NOW, THEREFORE, it is agreed as follows:

1. The provisions of this agreement shall be effective for the calendar year of 1989, commencing January 1, 1989.
2. Both the Chief of Police and the Assistant Chief of Police shall receive the sum of six hundred dollars (\$600.00) each for the purchase and maintenance of police clothing, uniforms and equipment. The Chief of Police and the Assistant Chief shall be responsible for the maintenance of their uniforms and equipment.
3. The Chief of Police shall receive as salary for the year 1989, the sum of \$ 58,883.98.
4. The Assistant Chief of Police shall receive as salary for the year 1989 the sum of \$ 46, 677.87.
5. That upon each person's anniversary date of hire, the Chief of Police & Assistant Chief shall receive as a longevity payment the following:
Chief \$1,450.00
Assistant Chief \$ 1,150.00
6. The work day of both the Chief of Police and the Assistant Chief of Police shall consist of variable hours, dependent upon other things, his duties, meetings to be attended and the needs of the Department. Both the Chief of Police and the Assistant Chief of Police shall work an amount of hours at least equal to that of the Captain or Lieutenant working the most number of hours during the year. The hours worked shall be documented by a daily attendance record, signed and attested to by the Chief of Police. In recognition of the variable hours, both the Chief of Police and the Assistant Chief of Police, shall receive an additional sum of \$2,008.00 to be added to the salaries set forth above, and pro-rated with his regular salary on a weekly basis.

6. The Chief and the Assistant Chief of Police shall receive compensatory time-off, or be payed the value of the certain holidays granted to the members of the Cheektowaga Police Club, Inc. whether each works the holiday or holidays, or not.

7. The Chief of Police and the Assistant Chief of Police shall be allowed as annual vacation, with pay, the following number of days:

After 15 years of service 25 working days.

After 20 years of service 28 working days.

In the event either the Chief or the Assistant Chief of Police shall have at least 17 years of service, he may elect to be paid the value of up to ten (10) days of accumulated vacation in lieu of time off. In such an event, the individual shall notify the Town of such before November 15, and payment for such shall be made prior to December 31.

8. Upon the retirement of either the Chief of Police or Assistant Chief of Police, the individual shall be paid the monetary value of any accrued vacation time or compensatory time to his credit. In the event of the death of either the Chief of Police or the Assistant Chief of Police, the payment of such shall be made to his estate.

9. Upon prior request, notification and approval, both the Chief and Assistant Chief of Police shall be entitled to paid bereavement leave days of up to five (5), per occurrence, in the event of death of his: parents, spouse, child, grandchild, grandparent, brother, sister, or in-law relative.

10. The Chief of Police and the Assistant Chief of Police shall each be entitled to five (5) personal leave days per calendar year. which days shall be non-cumulative. In the event such days are unused at the end of the calendar year, they shall be credited to the individuals accumulated vacation or sick leave, at the individual's option.

11. Both the Chief of Police and the Assistant Chief of Police will earn and accumulate sick leave at the rate of one and one half (1½) days per month, to a maximum of three hundred (300) days. In the event the maximum accumulation is reached, either individual may sell back to the Town, any days in excess thereof, up to a maximum of nine (9) days, as long as the amount of accumulation remains at 300 days after such sellback.

12. In the event of the use of sick leave, in excess of six (6) consecutive working days, the Town may require a medical statement attesting to the individuals sickness or injury.


13. In the event either the Chief of Police or the Assistant Chief of Police has exhausted all accumulated sick leave, the Town Board, in its sole discretion may grant additional sick leave not to exceed ninety (90) additional days, upon terms and conditions the Town Board may deem proper and necessary.

14. In the event the Chief of Police or the Assistant Chief of Police is injured or is taken sick as a result of the performance of his duties, he shall be entitled to receive Workers Compensation benefits, and shall continue to receive his full salary. In such an event, all Workers Compensation benefits shall be assigned to the Town.
15. The Chief or the Assistant Chief of Police will be entitled to use sick leave in the event of his sickness or injury, or the sickness or injury of his spouse, if residing in the same household, or of minor children.
16. One year prior to retirement, the Chief or the Assistant of Police may convert any accumulated sick leave into cash by written application to the Town signifying his intention to retire. Such application shall be delivered to the Town Board. The conversion of accumulated sick leave into cash shall be at the rate of 60% during 1989.
17. In the event the Chief of Police or the Assistant Chief of Police is required to leave the geographic limits of the Town as a result of either of their employment, he shall be reimbursed for his actual, reasonable and necessary expenses, including and not limited to all meals while on official police business. The Town shall provide the Chief or the Assistant Chief of Police with transportation.
18. The Town will continue to provide both the Chief and the Assistant Chief of Police with a \$25,000.00 life insurance policy.
19. The Town will continue to provide the Chief and the Assistant Chief of Police with medical, dental and vision insurance on a level at least equal to that provided to the Cheektowaga Police Club, Inc. In the event of the death of the Chief or the Assistant Chief of Police while in the employ of the Town, the town will continue to provide such insurance coverage to his surviving spouse and dependents, if any, until such time as the surviving spouse should remarry, die, or become eligible for insurance coverage through the spouse employment. Upon retirement of either the Chief or the Assistant Chief of Police, the Town will continue to provide such insurance to the individual, until age 65, at which time it will provide the applicable insurance coverage, as medicare supplemental coverage.
20. The Town will continue to provide to the Chief and the Assistant Chief of Police a non-contributory retirement plan as previously agreed.
21. In the event of disciplinary action or complaints against the Chief or the Assistant Chief of Police, the individual will be provided of any documents entered into his personal file and shall be afforded the opportunity to respond thereto.
22. The Town will pay the full cost of tuition, fees and books for any previously authorized police science course or seminars attended.
23. The Chief or the Assistant Chief of Police will be granted a leave of absence, with or without pay as provided for pursuant to the Civil Service Law in the State of New York.

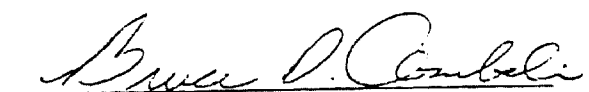
24. The Town will continue to provide payroll savings plan and U.S. Savings Bond payroll deduction as previously agreed to.
25. With respect to any monetary fringe benefits provided for herein, the Town agrees to make appropriate adjustments, if necessary, based upon the Town's conclusion of negotiations with the Town of Cheektowaga Captains and Lieutenants Association for that Association's successor collective bargaining agreement, retroactive to January 1, 1989.
26. This agreement shall become effective January 1, 1989 and remain in full force and effect until December 31, 1989.

IN WITNESS HEREOF, the parties have hereto set their hands and seals this 20th of JUNE, 1989.

TOWN OF CHEEKTOWAGA


Supervisor


Chief of Police


Assistant Chief of Police

MEETING NO. 15
June 19, 1989

Item No. 20a Motion by Councilman Kazukiewicz, Seconded by Councilman Gabryszak

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

Michael P. Nostro	Immediately
Michael R. Barker	Immediately
William Ayers	Immediately

Upon Roll Call....

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

Item No. 20b Motion by Councilman Gabryszak, Seconded by Councilman Solecki

BE IT RESOLVED that the following seasonal employees be terminated by the Cheektowaga Recreation Department effective June 19, 1989.

POOL SUPERVISOR

Joelle Miranda

LIFEGUARDS

Karen Pacer
Richard Anowski
Heather Delano
Christopher Kemp
Chris Krajewski
Kathleen Measer
Tracey Miesowicz
Carrie Grandits

TENNIS COURT INSTRUCTOR

Michael Tiburzi

RECREATION LEADER

Scott Homac

PLAYGROUND SUPERVISOR

Eric Weber

RECREATION ATTENDANTS

Kevin Forma
Todd Iozzia
Lisa Urbanski
Ruth Blackwell

Upon Roll Call....

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

Item No. 20c Motion by Councilman Solecki, Seconded by Councilman Kulyk

BE IT RESOLVED that the following individual be and hereby is terminated as a Seasonal and/or Part-time employee in the Sanitation Department, effective immediately:

Monty Viau

Item No. 20c cont'd

Upon Roll Call....

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

Item No. 20d Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

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

	<u>EFFECTIVE</u>
<u>TAX OFFICE</u>	
Joanne Ludtka	Immediately
<u>SANITATION DEPARTMENT</u>	
Monty Viau	Immediately
Steve Caprio	Immediately
Christopher Haberl	Immediately

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 transfers be made for the Recreation Department as listed below:

POOL SUPERVISOR from ASSISTANT POOL SUPERVISOR

Todd Roland

ASSISTANT POOL SUPERVISOR from LIFEGUARD

Kathleen Bobeck

TENNIS INSTRUCTOR from RECREATION LEADER

Timothy Wrotny

SOCCER SUPERVISORS from SOCCER INSTRUCTORS

Maurice Desjardins
Matthew Haberl

RECREATION LEADERS from RECREATION ATTENDANTS

Brenda Besl
Tracy Gielinski
David Majchrzak
David Roehmholdt
Mary Pat Speyer
Donna Stawasz

RECREATION ATTENDANTS from RECREATION LEADERS

Keith Bova
Ron Cyrankowski
Jomark Garbotowicz
Michael Kennuth

Item No. 21 cont'd

ADJUST SALARY FOR ASSISTANT GYMNASTICS SUPERVISOR TO \$5.50 PER HOUR

Jeffrey Schneider

and BE IT FURTHER

RESOLVED that the following be hired to aid the Recreation Department in conducting its 1989 summer programs:

LIFEGUARD - \$4.00 with WSI - \$3.75 without WSI - A7180.1903

Mark Gould
Jennifer Bradford

RECREATION ATTENDANTS - ALTERNATES - A7140.1614

Michael Altieri
Dennis Braniecki
Heather Delano
Cindy Okum
Korri Ann Kaminski
Donna Bartochowski

RECREATION ATTENDANTS - #7017140 0001 1614

James Osinski
James Lacki
Michelle Sullivan
Audrey Gospodarski
Rick Baginski

Upon Roll Call....

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

Item No. 22a Motion by Supervisor Swiatek, Seconded by Councilman Johnson

WHEREAS, Ralph A. Majchrowicz the present Director of Administration (PJC-Exempt) has notified the Cheektowaga Town Board that he intends to resign from his position, and

WHEREAS, the town accounting firm of Deloitte, Haskins and Sells has conducted a search and interview process for a successor, and

WHEREAS, John G. Egloff of _____ has applied for and meets all of the qualifications for such position, NOW, THEREFORE, BE IT

RESOLVED that John G. Egloff is hereby appointed to the position of Director of Administration and Finance (PJC-Exempt) at an annual salary of \$36,500.00.

Upon Roll Call....

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

At this time a Motion was made by Councilman Kulyk, Seconded by Supervisor Swiatek to move into Executive Session and the voting was as follows:

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Upon Roll Call....

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

The motion was approved.

After discussion, a motion was made by Councilman Kulyk, Seconded by Councilman Jaworowicz to reconvene 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. 22b Appointment of Working Foreman in Facilities Department

Motion by Councilman Kulyk to withdraw this item.

Item No. 22c Appointment of Working Foreman in Facilities Department

Motion by Councilman Gabryszak to withdraw this item.

Item No. 22d Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, there is an anticipated vacancy in the position of Pump Operator in the Main Pump Station as a result of an upcoming retirement, and

WHEREAS, it is in the best interest of the Town for said position to be filled prior to the effective date of such retirement to insure adequate training, and

WHEREAS, there is no current valid Civil Service list for such position, and

WHEREAS, the position has been posted in accordance with the provisions of the Town's agreement with the Town of Cheektowaga Employees Association, NOW, THEREFORE, BE IT

RESOLVED that Gary Podgorski, be appointed to the position of Pump Operator on a provisional basis, pending the results of a competitive Civil Service examination for such position, at a salary in accordance with the Agreement between the Town and the Town of Cheektowaga Employees Association.

Upon Roll Call....

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

Item No. 22e Motion by Councilman Johnson, Seconded by Councilman Kulyk

WHEREAS, there is a temporary vacancy in the Main Pump Station in the position of Assistant Superintendent Wastewater Pump Station as a result of the incumbent thereof being granted a leave of absence from said position to assume the duties of the Superintendent on a provisional basis, and

MEETING NO. 15
June 19, 1989

Item No. 22e cont'd

WHEREAS, the current Civil Service Competitive list for said position contains only the name of Thomas D. Skowronski, and

WHEREAS, it is in the best interest of the Town that said position be filled on a temporary basis, NOW, THEREFORE, BE IT

RESOLVED that Thomas D. Skowronski, _____, Cheektowaga, be appointed to the position of Assistant Superintendent Wastewater Pump Station on a temporary basis and at a salary in accordance with the terms and conditions of the Town's agreement with the Town of Cheektowaga Supervisory Unit.

Upon Roll Call....

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

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

BE IT RESOLVED that the following individuals be hired by the Facilities Department to assist in conducting its 1989 Summer Program:

Parks Division - Acct. #01-7110-0001-1491 at \$4.35 per hour

Mark Syzdek
Darryl M. Stachowiak
James L. Malec, Jr.
Christopher Golas

Street Lighting Division - Acct. #01-1625-0001-1495 at \$4.35 per hour

Scott C. Schneider
Sean P. Kohler

Clerical - Acct. #01-7110-0001-1391 at \$4.35 per hour

Dolores C. Booker

Upon Roll Call....

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

Item No. 23b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, funds are presently available under the Buffalo-Cheektowaga-Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Program, staff, will be starting on June 26th, 1989 at salaries listed below, and with a termination date not to exceed September 8th, 1989, NOW, THEREFORE, BE IT

RESOLVED that the following persons will be hired as our Summer Youth Staff at salaries specified:

PRINCIPAL COUNSELOR at \$10.65 per hour

Peter Tonsoline

Cheektowaga, NY 14043

SENIOR COUNSELOR at \$9.55 per hour

Vincent Frisicaro

Elma, NY 14059

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June 19, 1989

Item No. 23b cont'd

MONITOR at \$7.10 per hour

Mike Masters

Cheektowaga, NY 14225

SENIOR ADVISOR at \$5.50 per hour

Kathleen Makolinski

Cheektowaga, NY 14225

Upon Roll Call....

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

Item No. 23c Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, funds are presently available under the Buffalo-Cheektowaga-Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Participants work a maximum of 40 hours per week at \$3.35 per hour, and carries a termination date not to exceed September 8th, 1989, NOW, THEREFORE, BE IT

RESOLVED that the following employees are hired based on fund availability from the Department of Labor:

Mook, Susan 14225
Cheektowaga Court

Skowron, Donna Sloan 14212
Cheektowaga Court

Lewandowski, Lynn 14225
Villa Maria College

Warchol, Kristen 14057
Villa Maria

Upon Roll Call....

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

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

BE IT RESOLVED that the following individuals be hired for the Cheektowaga Youth Bureau's Conservation Corps Programs at the designated titles and salaries:

CHEEKTOWAGA CONSERVATION CORPS

Youth Leader (01-7310-0001-1812) - \$4.00 per hour

William Froman 14227

Summer Trainees (01-7310-0001-1812) - \$3.75 per hour

Eric Metz 14227
George Smolen 14227
Shawn Surdej 14212
Kris Wittmeyer 14227
Marc Sciolino 14227

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Item No. 23d cont'd

Robert Sweeney	14227
Claude Gilman	14212
Daryl Bernys	14043
Paul Siembida	14043
Kirk Wilde	14227
Jason Zaifert	14227
Thomas Jakubowicz	14227
Christopher Calamita	14227
James Bobeck	14227
Barbara Mederski	14043
Melissa Cimra	14043
Tiffany Mroz	14227
Tammy Ozolins	14043
Jason Ozolins	14043
Jeffrey Keller	14227

CHEEKTOWAGA CONSERVATION CORPS - (01-7310-0001-1812)

Alternates

Steve Brady	14227
Lou Mueller	14227
John Greentaner	14206
Thomas Ziomek	14225
John Nowak	14225
Steven Zielinski	14043
Jennifer Monnin	14227

NEW YORK STATE CONSERVATION CORPS - SUMMER TRAINEES - \$3.50 per hour

Jamie Kalsteck	14227
Stephanie Bakowski	14206
Geri Marie Burke	14043
Sarah Jane Garcea	14043
Jennifer Garcea	14043
Teri Lynn Burke	14043
Mark Czosnyka	14206
Sean Ross	14211
Brian Kasmierczak	14227
John Harris	14227
Scott Corcoran	14043
Jason Catania	14043
Jeffrey Ciesla	14043
Jim Borczynski	14227
Peter Schuch	14227
Peter Tonsoline	14043

NEW YORK STATE CONSERVATION CORPS - Alternates - \$3.50 per hour

Jason Dauscher	14227
Timothy Schaefer	14227
Kevin Corcoran	14043
Corey J. Bernardi	14227

and BE IT FURTHER

RESOLVED that the below listed individual be hired for the Summer Day Camp for the Developmentally Disabled (01-7310-0001-1802), effective immediately:

Counselor III - \$3.80 per hour

Colleen Schaub	14227
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and BE IT FURTHER

RESOLVED that the hourly rate of pay for the below listed individual be increased to \$5.00 per hour, effective immediately:

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Item No. 23d cont'd

Administrative Intern Program - (01-7310-0001-1804)

Kerry Swiatski

14225

and BE IT FURTHER

RESOLVED that Christine Nowak, be terminated from the Youth Bureau's Summer Day Camp for the Developmentally Disabled, effective immediately.

Upon Roll Call....

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

Item No. 23e Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

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

	<u>EFFECTIVE</u>
<u>TAX OFFICE - \$4.35 per hour (Night Shift)</u>	
Emily Miklas	Immediately
<u>SEWER MAINTENANCE - \$4.35 per hour</u>	
John Skubinski	Immediately
<u>ENGINEERING DEPARTMENT - \$5.00 per hour</u>	
Kristen Mulcahy	6/29/89
<u>CENTRAL GARAGE - \$4.35 per hour</u>	
Rick Zydel	Immediately
<u>SANITATION DEPARTMENT - \$5.00 per hour</u>	
Jeff Bobeck	Immediately
Daniel Bossi	Immediately
John Cwiklinski	Immediately
Jason Zurek	Immediately
Kevin Trietly	Immediately
Raymond Allen	Immediately
Chris Trietly	Immediately

Upon Roll Call....

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

Item No. 24a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, a Workers' Compensation Seminar is being held at the Buffalo Marriott on July 12, 1989, and

WHEREAS, Bruce Fenwick, Coordinator of Employee Relations for the Town, has expressed a desire to attend this seminar, and

WHEREAS, this Town Board feels that Mr. Fenwick's attendance at the aforesaid conference will be of great value to the Town, NOW, THEREFORE, BE IT

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June 19, 1989

Item No. 24a cont'd

RESOLVED that Bruce Fenwick be and hereby is authorized to attend the Workers' Compensation Seminar on July 12, 1989, and BE IT FURTHER

RESOLVED that the registration fee in the amount of \$118.00 is to be chargeable to line item 01-1910-0004-4082.

Upon Roll Call....

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

Item No. 24b Motion by Councilman Gabryszak, Seconded by Councilman Kazukiewicz

WHEREAS, the Cheektowaga Youth Bureau has been selected as a grant recipient by the New York State Office of Parks, Recreation and Historic Preservation to conduct the New York State Conservation Corps (NYSCC) Program for the summer of 1989, and

WHEREAS, it entails a four day training session requiring the presence of the Work Crew Supervisors, NOW, THEREFORE, BE IT

RESOLVED that Alan Miano and Ruthann Rusin be authorized to attend said training session in Saratoga, New York from June 22nd to June 25th, and BE IT FURTHER

RESOLVED that all necessary travel expenses be reimbursed, not to exceed \$300.00.

Upon Roll Call....

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

Item No. 25a Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, one of the objectives of the Northeast Communities Solid Waste Management Board is to find environmentally sound cost efficient alternatives for the management of solid wastes, and

WHEREAS, by resolution dated November 18, 1985, this Town Board authorized the Town to act as lead agency for all activities involved in preparation of engineering work, and

WHEREAS, the Northeast Board, including the Town of Cheektowaga have appropriated sufficient funds for the preparation of such engineering work, including a \$200,000 grant in contract with the Northeast Board and N.Y.S.D.E.C., and

WHEREAS, the firm of Barton and Loguidice, P.E., consulting engineers, were retained to do the necessary study within budgeted funding, and

WHEREAS, Barton and Loguidice, P.E., have submitted bills to the Northeast Board for their services, NOW, THEREFORE, BE IT FURTHER

RESOLVED that the Town of Cheektowaga, as lead agency for the Northeast 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 \$4,806.53 for services for the period 2/26/89 through 4/1/89, from the Northeast Board's account and to pay said sums to Barton and Loguidice, P.E., for services rendered to date per agreement dated June 4, 1986 and Amendment No.5.

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June 19, 1989

Item No. 25a cont'd

Upon Roll Call....

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

Item No. 25b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, by various resolutions, this Town Board has approved bonding for the projects listed below, and

WHEREAS, proceeds from the sale of such bonds will not be realized until later this year, and

WHEREAS, monies are needed currently to award contracts and make payments to contractors on such projects, NOW, THEREFORE, BE IT

RESOLVED that a temporary loan be made from capital project #37 to the below listed projects in the amounts indicated, and BE IT FURTHER

RESOLVED that interest income relating to these amounts be credited to capital project #37.

ACCOUNT	AMOUNT	PROJECT
05-1625-8811-1101	\$ 7,480.00	Alexander Street School
05-8540-8819-1104	90,000.00	William St. Road Improvement
05-1440-8905-1102	11,000.00	U-Crest South
05-1440-8905-1103	2,500.00	Scajaquada
05-1440-8904-1104	1,500.00	Madeira Drive
05-1440-8905-1105	5,000.00	Slate Bottom
05-7110-8818-1102	3,500.00	Lighting, Ball Diamonds
	<u>\$120,980.00</u>	

Upon Roll Call....

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

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

WHEREAS, there is a need to increase storm drainage outlet capacity for Storm sewer District #1, encompassing the northwest portion of the Town of Cheektowaga, and

WHEREAS, the Town Engineer and the Town Highway Superintendent are recommending additional relief for the 30-inch Century/South Century Boulevard storm truck sewer, in addition to various other mitigative measures to be accomplished in the district, and

WHEREAS, the Highway Department will accomplish the necessary work in concert with the Engineering Department, NOW, THEREFORE, BE IT

RESOLVED that the transfer of \$50,000, as requested by the Highway Superintendent, be appropriated for this purpose from SR909 - Appropriated Fund Balance Storm Drainage District No. 1 to SR8141.004.4599 - Special Pipe Repair and Replacement Project.

Upon Roll Call....

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

MEETING NO. 15
June 19, 1989

Item No. 26b 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:	3091-00-0000	(NYSCC GRANT)	\$ 4,290.00
	3091-00-0000	(NYSCC GRANT)	12,846.00
	3091-00-0000	(NYSCC GRANT)	321.00
	3091-00-0000	(NYSCC GRANT)	220.00
	3091-00-0000	(NYSCC GRANT)	3,700.00
	3091-00-0000	(NYSCC GRANT)	576.00
	3091-00-0000	(NYSCC GRANT)	249.00
	3091-00-0000	(NYSCC GRANT)	437.00
	1910-04-4711	(Contingency)	4,243.00
	3091-0000-0000	(Energy Survey Grant)	4,243.00
	6410-04-4194	(Media)	1,200.00
TO:	7310-01-1815	(89 NYSCC Supervision)	\$ 4,290.00
	7310-01-1816	(89 NYSCC Participants)	12,846.00
	7310-04-4003	(89 NYSCC Supplies)	321.00
	7310-04-4083	(89 NYSCC Travel)	220.00
	7310-04-4084	(89 NYSCC Van Rental)	3,700.00
	7310-04-4084	(89 NYSCC Training)	576.00
	7310-08-9002	(89 NYSCC Alloc. FICA)	249.00
	7310-08-9005	(89 NYSCC Alloc. Fringe)	437.00
	1625-04-4500	(Energy Survey)	4,243.00
	1625-04-4500	(Energy Survey)	4,243.00
	5132-02-2230	(Air Conditioner)	1,200.00

SPECIAL DISTRICTS FUND

FROM:	23-8123-04-4994	(Insurance Allocation)	\$17,500.00
TO:	23-8123-09-9171	(Insurance Reserve Alloc.)	\$17,500.00

HIGHWAY FUND

FROM:	5130-02-2407	(Miscellaneous Equip.)	\$ 88.03
TO:	9950-0008-0000	(Transfer to Capital)	\$ 88.03

CAPITAL FUND

5031	(Interfund Transfer in)	\$ 88.03
5130-8904-12-01	(Pick-up Truck)	\$ 88.03

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga prior to June 19, 1989 are hereby approved and made a part hereof:

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Item No. 27 cont'd

FUND	AMOUNT
GENERAL FUND	\$ 87,501.18
HIGHWAY FUND	20,045.23
CAPITAL FUND	8,656.48
TRUST & AGENCY FUND	7,575.82
HUD FUND	9,960.69
PART TOWN FUND	2,887.49
HUD RENTAL REHAB. FUND	5,104.12
RISK RETENTION FUND	46,652.90
HUD REHAB FUND	505.98
SPECIAL DISTRICT FUND	1,064,668.89
	<u>\$1,253,558.78</u>

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Supervisor's Statement of Funds
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 29a VERIFIED SUMMONS & COMPLAINT - Dawn Vulaj vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Chester Bryan, Town Engineer; Ron Marten,
Supervising Building and Plumbing Inspector; S.I.S. Services,
Insurance Carrier.
Received and Filed.

Item No. 29b VERIFIED SUMMONS & COMPLAINT - Mark & Sandra Nizinkiewicz vs Town of
Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Thomas M. Johnson, Jr., Councilman; Sylvia Slawiak,
Accounting Department; Chester Bryan, Town Engineer; Ron Marten,
Supervising Building and Plumbing Inspector; S.I.S. Services,
Insurance Carrier.
Received and Filed.

Item No. 30 NOTICE OF CLAIM - Richard Mielcarek, Jr. 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; S.I.S. Services,
Insurance Carrier.
Received and filed.

VI. SUSPENSION OF RULES

Motion by Councilman Kazukiewicz, Seconded by Councilman Gabryszak
to suspend the rules to include the following three (3) items.

MEETING NO. 15
June 19, 1989

Upon Roll Call....

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

Item No. 31 Motion by Councilman Jaworowicz, Seconded by Councilman Johnson

WHEREAS, after an 18-month effort by County Executive Dennis T. Gorski, the Greater Buffalo Athletic Association and other members of the Local Organizing Committee, it was announced by the International Federation of University Sports that the 1993 World University Games (the "Games") will be held in Buffalo, New York, and

WHEREAS, the Games are the largest, most prestigious international athletic event in the world outside of the Olympics, and

WHEREAS, Buffalo is the first United States city ever to host the Games and it is the largest and most prestigious international event in the city since the 1901 Pan American Exposition, and

WHEREAS, the Games are expected to bring 200,000 visitors to Western New York and will be broadcast via satellite around the world, and

WHEREAS, according to a preliminary economic impact study, the economic benefits to the Western New York resulting from the hosting of the Games here include the following:

1. Infusion of \$150 million into Western New York.
2. Creation of 2,400 jobs.
3. \$9.3 million windfall for State and Local governments from sales, bed and gasoline taxes.

and

WHEREAS, the Games will also create a legacy for the Western New York area that will last well into the next century, which legacy includes the following:

1. construction and renovation of various sports and cultural facilities.
2. national and international exposure of Western New York
3. attraction of tourism to Western New York

and

WHEREAS, businesses in the Town of Cheektowaga are also expected to benefit financially from the 1993 World University Games because of the influx of athletes and visitors to this area, NOW, THEREFORE, BE IT

PROCLAIMED that this Town Board hereby welcomes the 1993 World University Games to Western New York and wishes such event well, and BE IT FURTHER

PROCLAIMED that this Town Board hereby heartily congratulates and applauds County Executive Dennis T. Gorski, the Greater Buffalo Athletic Association and other members of the Local Organizing Committee for their tireless efforts in attracting the 1993 World University Games to Western New York.

Upon Roll Call....

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

MEETING NO. 15
June 19, 1989

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

WHEREAS, on Sunday, June 18, 1989, eight cars on a Delaware & Hudson freight train derailed near Union Road in the Town of Cheektowaga, and

WHEREAS, such derailment had the potential to seriously injure hundreds or thousands of people because such train was hauling two tankers of hydrocyanic acid, an extremely toxic and highly flammable chemical, and

WHEREAS, this Town Board is concerned that railroad inspection standards are not strict enough and that Town officials are not given adequate notice concerning the transport of dangerous chemicals, and

WHEREAS, the Town Board also feels that railroad companies should inspect and maintain its tracks and cars more often, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the New York State Department of Transportation ("NYSDOT") and the Interstate Commerce Commission ("ICC") to require more frequent and intensive inspection and maintenance by railroad companies, and BE IT FURTHER

RESOLVED that this Town Board hereby memorializes State and Federal lawmakers to enact legislation requiring transporters of dangerous materials to notify municipalities of such materials passing through their boundaries, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NYSDOT, ICC, State Assemblyman Paul Tokasz, State Senator Dale M. Volker, Governor Mario Cuomo, U.S. Representatives Henry Nowak and U.S. Congressmen Alfonse M. D'Amato and Daniel P. Moynihan.

Upon Roll Call....

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

Item No. 33 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, the Town Board has previously approved various changes in 1989 wages and salaries, and

WHEREAS, budget transfers providing funds for these changes have not previously been made, NOW, THEREFORE, BE IT

RESOLVED that the transfers of funds from the accounts reflected below be made to the accounts reflected on the attached listing:

<u>FROM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
General Funds		
01-9010-0008-8131	Workman Compensation	\$ 63,630.
01-9010-0008-8161	Unemployment	125,155.
Highway Fund		
03-9010-0008-8131	Workman Compensation	\$ 40,767.
03-9010-0008-8161	Unemployment	38,562.
Part Town		
08-9010-0008-8161	Unemployment	\$ 3,974.
Special Districts		
15-8160-0008-8131	Workman Compensation	\$ 46,650.
15-8160-0008-8161	Unemployment	32,901.
25-8125-0008-8131	Workman Compensation	\$ 15,308.
25-8125-0008-8161	Unemployment	10,773.

MEETING NO. 15
June 19, 1989

Item No. 33 cont'd

25-8135-0008-8131	Workman Compensation	\$ 9,518.
25-8135-0008-8161	Unemployment	6,051.

Upon Roll Call....

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

Item No. 34 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk